United Nations E/C.12/FRA/4

Economic and Social Council

Distr.: General
20 March 2014
English
Original: French

UNITED NATIONS
DEPOSITORY
NOV 0 3 2014
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fourth periodic reports of States parties due in 2011

France*

[Date received: 23 May 2013]

* The present document is being issued without formal editing.

GE.14-41832 (EXT)
1441832

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Introduction

1. The Government of France has the honour to submit its fourth periodic report to the United Nations Committee on Economic, Social and Cultural Rights ("the Committee"). In view of the concluding observations adopted by the Committee at its fortieth session on 16 May 2008 (E/C.12/FRA/CO/3), this report contains detailed information on issues covered in the aforementioned previous country report that were taken up by the Committee.

2. This report is submitted in accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights ("the Covenant") and the revised general guidelines (E/C.12/1991/1). It focuses on the main new developments in matters of legislation, policy and results since April 2008. When there has been no change in the information given in the two previous reports to the Committee, it is not repeated in this report. It should be noted that, following the presidential and legislative elections in May and June 2012, there was a change of government and parliamentary majority in parliament. Overall, this change was reflected in modifications to French policy with regard to economic, social and cultural rights.

General remarks

3. Human rights form part of the foundational values of the French Republic. Respect for those rights is central to the exercise of democracy in France and to France's engagement within the European Union. The French tradition of attachment to human rights goes back to the philosophy of the Enlightenment and the Declaration of the Rights of Man and the Citizen of 26 August 1789. France was one of the very first nations to draw up a declaration proclaiming universal rights.

4. Moreover, it was in Paris, at the Palais de Chaillot, where the United Nations General Assembly met in 1948, that the Universal Declaration of Human Rights was adopted. An eminent French jurist, René Cassin — who went on to preside over the United Nations Human Rights Commission and the European Court of Human Rights and to win the Nobel Peace Prize — was one of its main architects. France was also actively involved in the drafting of international instruments in the field of human rights and international humanitarian law. It played the same role in specialized forums, including the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), and in a regional framework, through the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). In the spirit of the 1993 Vienna World Conference on Human Rights, France considers the promotion and protection of all human rights to be a legitimate concern of the international community and gives equal consideration to civil and political rights and to economic, social and cultural rights.

5. France's political commitment to human rights has been reflected, in particular, in the establishment in 2000 of a post of ambassador for human rights, the establishment in 2008 of a post of ambassador for corporate social responsibility, and the appointment in 2012 of a Minister for the Rights of Women.

I. The national system for the protection of human rights

6. The Constitution of the Fifth Republic, adopted in 1958, gives considerable importance to human rights by incorporating the 1789 Declaration of the Rights of Man and the Citizen and the preamble to the 1946 Constitution. The constitutional amendment of 23

February 2007 enshrined in the Constitution the principle of the abolition of the death penalty in all circumstances (new article 66-1).

7. All French institutions have the mission to protect human rights within the framework of a pluralist democracy and the rule of law based on the separation of powers. The Constitution vests in Parliament alone responsibility for laying down rules concerning basic safeguards. The Constitutional Council verifies that the law is in conformity with the Constitution. The two classes of courts — judicial courts and administrative courts — ensure compliance at all levels with legal principles and the international obligations of France.

8. A major constitutional reform of 23 July 2008 introduced the possibility for a litigant, as from 1 March 2010, to plead the unconstitutionality of a legislative provision that would impair the rights and freedoms guaranteed by the Constitution, during proceedings before a French court.

9. Prior to that reform, only members of parliament, the Prime Minister and the President of the Republic had the possibility of challenging the constitutionality of a legislative provision before its entry into force.

10. By the end of May 2012, 267 questions had been transmitted to the Constitutional Council by the Council of State and of the Court of Cassation, thus attesting to the adoption by litigants and their counsel of this new remedy for monitoring observance of fundamental rights. By November 2011, the Constitutional Council had handed down 57 per cent of decisions finding conformity with the Constitution, 35 per cent finding total, partial or qualified non-conformity and 8 per cent dismissals.

11. The status of the National Consultative Commission on Human Rights (CNCDH), which has most often contributed to the establishment of specialized bodies and works closely with those whose responsibilities are similar to its own, was enhanced by the Act of 5 March 2007 and its implementing decree. It was again accredited in 2007 by the International Coordinating Committee (ICC) of national human rights institutions, in accordance with the Paris Principles. Its role is to initiate and make proposals, monitor, undertake follow-up and raise awareness among the public authorities — Government, Parliament — but also all citizens.

12. Human rights education is crucial for the moulding of citizens aware of their rights. It takes place through teaching and educational activities programmes based on the Universal Declaration of Human Rights and the main human rights conventions. A civic education programme is accordingly in place in primary and middle schools and a civic, legal and social education programme in upper secondary schools.

13. More specific forms of educational activities are also undertaken. Since 1988, the René Cassin human rights prize, organized by CNCDH and the General Directorate of School Education, has been awarded for the most outstanding work concerning human rights done by secondary school students. The prize can also serve to spotlight work performed in connection with remembrance of the slave trade and slavery. For the 2010/11 and 2011/12 school years, the prize focused respectively on human rights and gender equality and on peace. Lastly, the National Commission on Information Technology and Liberties (CNIL) has joined the Ministry of Education and the Children's Rights Defender in developing human rights awareness-raising activities in schools with reference to the protection of personal data.

II. International obligations of France

14. France has ratified the main international human rights legal instruments, namely: the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Rights of the Child and its first two Protocols; the Geneva International Conventions and their Additional Protocols; the Convention relating to the Status of Refugees; the Convention on the Prevention and Punishment of the Crime of Genocide; and the Rome Statute of the International Criminal Court. It has also ratified a large number of basic international conventions on labour law and conventions adopted under the auspices of UNESCO.

15. The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol were ratified in 2009 and the International Convention for the Protection of All Persons from Enforced Disappearance in 2010.

16. In addition, France is a party to regional legal instruments. It is a member of the Council of Europe and a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and to its many additional Protocols, and to specialized conventions adopted under the auspices of the Council of Europe, like the European Social Charter or the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In accordance with the European Convention on Human Rights, France is subject to the jurisdiction of the European Court of Human Rights in Strasbourg, which is competent to examine individual applications. As a member State of the European Union, France is also a party to the to the Charter of Fundamental Rights of the European Union and subject to the jurisdiction of the Court of Justice of the European Union. Lastly, as a member of the Organization for Security and Cooperation in Europe, France engages in action to ensure respect for human rights and fundamental freedoms in accordance with its commitments under the Helsinki Final Act of 1975 and the Charter of Paris for a New Europe adopted in 1990.

17. The French authorities regularly examine the reservations and declarations of the French Government on international human rights instruments in order to assess the advisability of withdrawing or modifying them. France signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 11 December 2012. The process of ratification of that text is now under way and is expected to be completed for 2014.

18. France cooperates fully with international procedures and mechanisms for the promotion and protection of human rights. In that spirit, it has issued a standing invitation to the United Nations special procedures. France was visited in February 2012 by James Anaya, Special Rapporteur on the rights of indigenous peoples, who travelled to France and New Caledonia, and in November 2011 was visited by Najat Maalla M'Jid, United Nations Special Rapporteur on the sale of children, child prostitution and child pornography. National reports were submitted to the Committee on the Elimination of All Forms of Discrimination against Women in 2008, to the Human Rights Committee in 2009, and to the Committee against Torture in 2010.

19. In 2012, France submitted to the various United Nations treaty bodies its reports on the implementation of civil and political rights, children's rights and action against enforced disappearances. It submitted its report for universal periodic review by the Human Rights Council in January 2013 and will submit its reports on the implementation of the rights of persons with disabilities and action to combat all forms of racial discrimination in the

course of 2013. France also responds to requests for additional information made by treaty bodies under the monitoring procedures that they have put in place.

20. Moreover, France is a member State of the Council of Europe and complies with the binding provisions of the European Convention on Human Rights. France is also required to submit regular reports to the independent bodies and mechanisms of the Council of Europe (visit by the European Commission for the Prevention of Torture in late 2010, and visit by the Group of Experts on Human Trafficking in 2012).

Article 1
Right of self-determination

21. Indigenous French peoples live overseas, in South America (French Guiana), Oceania (New Caledonia, French Polynesia and Wallis and Futuna) and the Indian Ocean (Mayotte). While, in French Guiana, Amerindians represent only 5 per cent of the population and, in New Caledonia, Kanaks represent slightly less than 50 per cent of the population, in Wallis and Futuna, Mayotte and French Polynesia, indigenous peoples still form the majority in the local population.

22. By supporting and actively participating in the relevant multilateral processes,[1] France has undertaken to respect the rights of indigenous peoples throughout its territory.

23. France cannot recognize any collective rights that would take precedence over individual rights, by virtue of the principle of the indivisibility of the Republic, the principle of equality and the principle of non-discrimination. Recognition of collective rights that run counter to these constitutional principles is therefore an obstacle to the ratification by France of International Labour Organization (ILO) Convention No. 169 on indigenous and tribal peoples.

24. However, in its overseas departments and communities, France has taken steps to ensure that indigenous peoples fully participate in decision-making that has a direct or indirect bearing on their way of life. To this end, the peoples concerned are granted a particular status and their linguistic and cultural specificities are taken into account.

25. France agreed to the request made by Mr. Anaya, Special Rapporteur on the rights of indigenous peoples, to visit New Caledonia in February 2011. In his report on the situation of the Kanak people of New Caledonia, issued in September 2011, Mr. Anaya found that there was a consensus around the Noumea Accord.

I. Particular status of overseas communities

26. Various kinds of particular status are granted to local communities in the French overseas departments and territories in order to take into account their different situations and the changes affecting them.

27. Mayotte became an overseas department with a single deliberative assembly on 31 March 2011, following a consultation by referendum of the population on 29 March 2009.

28. In the 24 January 2010 referendum, a majority of voters in French Guiana and Martinique voted in favour of the establishment of a single regional authority exercising the

[1] France was actively involved in the negotiation of the resolution submitted to the Human Rights Commission on the International Decade of the World's Indigenous People. France also voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples.

jurisdiction devolving to the department and to the region, while remaining governed by article 73 of the French Constitution. The Act of 27 July 2011 was promulgated in the wake of this referendum and sets out the mode of organization and institutional operation of the two new communities. It amends the General Code of Territorial Communities in order to define their status and introduces into the Electoral Code provisions for the election of members of the assemblies of French Guiana and Martinique.

29. In addition, in French Guiana, a Consultative Council of Amerindian and Bushinenge Peoples was established in June 2010.

30. Furthermore, the communities of French Polynesia and New Caledonia were given broader powers of self-government. In the case, for example, of the indigenous peoples of New Caledonia, the provisions of the Noumea Accord often echo those of the United Nations Declaration. The Noumea Accord of 5 May 1998 concerning the future of New Caledonia was signed by representatives of the two main political groups in the territory, including FLNKS (an alliance of mainly Kanak political parties), and the French Government. The Statute of New Caledonia transposed the provisions of that Accord into law. In 2009, an organic law was adopted that set out the conditions governing the implementation of certain transfers of jurisdiction from the State to New Caledonia. As from 2014, Congress will be required to decide to consult the Caledonian population on the outcome of the Noumea Accord.

II. The specificities of indigenous peoples reflected in French law

31. The French overseas territories are marked by a number of cultural specificities. Issues of culture and language are addressed there within a legal framework and with the support of the public authorities in accordance with local conditions. These vary considerably, given, for instance, that, in the case of languages, there are huge differences in the number of speakers, the state of linguistic research, their place in schools, their cultural influence in the area, etc.

32. Of the 75 regional languages identified alongside French, some 50 are spoken in the overseas territories. In New Caledonia, there is also a Kanak Language Academy (ALK), which grew out of the Noumea Accord but was not established until 2007. The functions of this fledgling public institution of the Government of New Caledonia are to "set customary rules and contribute to the promotion and development of all of the Kanak languages and dialects".

33. Where issues of land tenure are concerned, local specificities are again taken into account in regulations. In Wallis and Futuna, ownership of land is collective and inalienable, according to customary law, which applies to persons subject to personal status (99 per cent of the population). The Statute of French Polynesia establishes a Land Commission in order to allow land-related disputes to be settled before resorting to litigation.

34. In French Guiana, forest dwellers (mainly Amerindians) have been granted collective customary rights for the exercise on government-owned land of any activity required for their subsistence or rights of concession or transfer of such land. The creation of the Amazonian Park of French Guiana in 2007 has allowed the indigenous people to maintain and further develop the tangible and intangible aspects of their cultures while preserving the natural resources on which they draw, through a participatory approach whereby traditional authorities play a part in land-use management.

Article 2
Obligation of States parties and right not to be discriminated against

35. France ensures the full exercise of the rights enshrined in the Covenant, both within its territory, in particular by monitoring the implementation of laws, and by official development assistance (ODA) in third countries or support for the activity of international organizations. Moreover, France has added to its mechanisms for combating discrimination by establishing the office of Defender of Rights and ratifying the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. In this context, it has not been deemed desirable to ratify Protocol 12 to the European Human Rights Convention.

I. Monitoring the implementation of laws

36. The French Government accordingly set up in March 2011 a committee to monitor the implementation of laws, tasked with keeping track, on a regular, day-to-day basis throughout the year, of the development of law enforcement measures.

37. The Minister for Relations with Parliament has set the goal of achieving a 100 per cent implementation rate for all laws finally adopted up to 30 June 2011.

38. The Senate Bureau decided on 16 November 2011 to establish a Senatorial Commission to monitor the implementation of laws. Set up on 6 December 2011, this commission, composed of 39 senators belonging to all the standing commissions, has a dual mandate: inform the Senate about the implementation of laws and act as a watchdog in regard to the publication of the regulatory texts required for the implementation of laws. The commission has been vested with wide-ranging powers to this end, allowing it to enjoy the prerogatives of commissions of inquiry and to benefit from the financial rules applicable to standing commissions.

39. Since the beginning of January 2012, 14 rapporteurs have been appointed to monitor the implementation of seven laws, including:

- Act of 11 February 2005 on equality of rights and opportunities, participation and citizenship of persons with disabilities;
- Planning Act of 3 August 2009 on the implementation of the Grenelle Process for the Environment and Act of 12 July 2010 on the national commitment to the environment;
- Act of 5 March 2007 establishing an enforceable right to housing and including various measures to promote social cohesion;
- Prisons Act of 24 November 2009.

II. The Defender of Rights

40. A new institution, the Defender of Rights has been provided for in the Constitution since 23 July 2008 and was established by organic law and ordinary statute of 29 March 2011.

41. The Defender of Rights is appointed by decree in the Council of Ministers, following consultation with the appropriate commissions of the two parliamentary

assemblies, which can oppose a proposed candidacy by a negative opinion supported by three fifths of those voting.

42. This independent institution brings together the functions of the National Ombudsman, the Children's Ombudsman, the High Authority to Combat Discrimination and Promote Equality (HALDE) and the National Commission on Security Ethics (CNDS). The Defender of Rights works to safeguard individual rights and liberties in the framework of relations with government bodies, protect and promote the best interests and rights of the child, combat discrimination prohibited by law, promote equality and ensure that persons providing security services comply with professional ethics.

43. To perform these functions, the Defender of Rights is empowered to investigate and examine individual complaints. The institution is accordingly authorized to receive complaints from any physical or legal person, including a minor seeking protection of his or her rights. The Defender of Rights may also initiate an investigation on its own motion, in any circumstances, of cases falling within its field of competence.

44. In addition, the Defender of Rights is empowered to take preventive action and propose reforms. The Defender of Rights may thus undertake awareness-raising and information activities, identifying good practices and encouraging their adoption by public and private stakeholders in the areas of employment, housing, education and access to goods and services. The institution may also propose amendments to laws or regulations and make recommendations to public and private authorities; it conducts and coordinates studies and research in its field of competence.

III. The Convention on the Rights of Persons with Disabilities

45. Ratification of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol was authorized in France by Act No. 2009-7091 of 31 December 2009. The instruments of ratification were deposited with the United Nations on 18 February 2010. The Convention and its Optional Protocol consequently entered into force in France on 20 March 2010.

46. France did not enter any reservation; it did, however, make a declaration concerning the term "consent" in article 15, which it will interpret in accordance with international instruments, such as the Council of Europe Convention on Human Rights and Biomedicine and its additional Protocol on Biomedical Research, and with its domestic legislation, which is itself in line with those instruments.

A. Key domestic measures adopted for the implementation of the Convention on the Rights of Persons with Disabilities and related budget allocations

47. Domestic legislation on persons with disabilities, as derives from Act No. 2005-102 of 11 February 2005, meets the obligations arising from the Convention and its Protocol. Moreover, the Act of 11 February 2005 goes further than the Convention in certain regards and already gives an operational dimension to most of the general obligations set out therein.

48. The Act provides a legal definition of disability in France which largely ties in with article 1 of the United Nations Convention on the Rights of Persons with Disabilities: "For the purposes of this law, a disability shall be taken to mean any limitation of activity or restriction on participation in life in society experienced by a person in his or her environment by reason of a lasting or permanent substantial impairment of one or more physical, sensory, mental, cognitive or psychological functions, multiple disabilities or a disabling health disorder" (art. L. 114 of the Social Action and Family Code).

49. The Act of 11 February 2005 rests mainly then on two pillars corresponding to the two factors that characterize disability:

- The Act counters the lack of adaptation of society by stipulating "universal accessibility everywhere", the aim being to ensure the universal accessibility of general services and infrastructure by integrating the disability dimension into all public policy in every field: health, education, employment, infrastructure, land use, transport, culture, etc.;
- The Act addresses the consequences of individual impairment by recognizing a right to compensation through national solidarity: the main focus is on the disabled person's life plan and an assessment of his or her needs, which determine the individualized responses provided in each case.

50. It concerns at least 1.7 million persons among those with the severest disabilities, characterized by incapacity, limitation of activity and recognized invalidity. It also concerns families and family caregivers, as well as a large number of professionals.

51. The policy put in place by the Act requires considerable financial resources, provided by the State, health insurance, the National Solidarity Fund for Autonomy (CNSA) and the territorial authorities.

52. Notwithstanding the very great strain on public finances, particularly after the onset of the 2008 economic and financial crisis, public spending on "disability" has not only been maintained but has also been commensurate with the commitments made.

53. In this particular context, this spending increased by 32.4 per cent over the period 2005–2010 inclusive, with an average annual growth rate of 5.5 per cent, rising from €20.1 billion to €37.2 billion. Expressed in constant euros (factoring out inflation), there has been a 22 per cent increase over the period, revealing the net value of the additional effort made by the public authorities since 2005 to implement disability policies.

54. Over the past six years, no other area of public action has shown such a sustained progression, whatever the institution involved. The contribution of every one of the government services concerned to disability policies has grown very significantly.

55. Over the period, State spending increased by 31.7 per cent (from €10.4 billion to €13.7 billion) and local government spending increased by 79 per cent (from €2.8 billion to €5.1 billion). Expenses covered by health insurance and the National Solidarity Fund rose by 24 per cent (from €14.8 billion to €18.3 billion).

56. Furthermore, in accordance with the Convention, which calls for the implementation of a national plan of action, the Act of 11 February 2005 provides for the holding, every three years, of a national conference on disabilities, to be attended by representative associations of persons with disabilities, representatives of the management bodies of institutions or social and medical services serving persons with disabilities, representatives of social security departments and agencies, representative trade union and employers' organizations and qualified bodies, in order to discuss policy lines and policy support for persons with disabilities.

B. Institutionalization of effective implementation of the Convention

57. The French Government attaches great importance to the implementation and monitoring of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. The Defender of Rights has been designated as the mechanism provided for in article 33, paragraph 2, of the Convention.

58. There is also a mechanism in place to coordinate the government services concerned by the implementation of public policies in support of persons with disabilities. This

coordinating role falls to the Interministerial Committee on Disabilities (CIH), established by decree No. 2009-1367 of 6 November 2009. This committee has its own Secretary-General, who can, whenever necessary, consult and convene the focal points of the various services. Although these have not yet been officially designated, the Secretary-General has, since taking office, already called together several times the persons and services concerned.

59. In order to strengthen the close links between this coordination mechanism and the representatives of persons with disabilities, the Secretary-General of the Interministerial Committee also serves as the secretary of the National Consultative Council of Persons with Disabilities.

C. Efforts to advance international cooperation and evaluation of their impact on the implementation of the Convention

60. France seeks to establish the universality of the Convention and its Optional Protocol by encouraging countries that have not yet done so to ratify these two instruments. Discussions are also currently under way to determine appropriate bilateral forms of cooperation. Together with its European partners, France is actively engaged in the preliminary process that needs to be completed before the European Union can accede to the Convention.

61. France approaches the question of disabilities from various angles: access to rights, education, health, access to basic social services. France gives its support to non-governmental organizations (NGOs) with recognized expertise in this field. The purposes of these various forms of support include:

- Promoting the right to education of children with disabilities and improving their educational level, particularly in Viet Nam, Brazil and West Africa;
- Improving disability coverage for children in Syria and Algeria, and mental disability coverage in the Mediterranean;
- Strengthening NGO advocacy for public service quality and governance in the Balkans, Eastern Europe and the Middle East;
- Supporting reconstructive surgery for mine victims, particularly in Afghanistan but also in several other countries.

62. In addition to this support for NGOs, France also supports the work of volunteers fielded under its voluntary cooperation scheme *Volontariat de solidarité internationale* (VSI) to NGOs engaged in action for persons with disabilities (Catholic delegation for cooperation, Doctors of the World, etc.).

63. France is also involved in action to ban anti-personnel mines and other explosives, particularly through the promotion of civil society representation in the National Commission for the Elimination of Anti-personnel Mines (CNEMA) and active participation in the promotion of universal accession to the international mine ban (Ottawa) and cluster munitions (Oslo) conventions.

IV. Recognition of minorities

Recommendation contained in paragraph 50 of the concluding observations (E/C.12/FRA/CO/3)

The Committee, while taking note that the recognition of minority groups or collective rights is considered by the State party to be incompatible with its Constitution, wishes to reiterate that the principles of equality before the law and prohibition of discrimination are not always adequate to ensure the equal and effective enjoyment of human rights, in particular economic, social and cultural rights, by persons belonging to minority groups. They Committee therefore recommends that the State party consider reviewing its position with regard to the recognition of minorities under the Constitution, and recognize officially the need to protect the cultural diversity of all minority groups under the jurisdiction of the State party, in accordance with the provisions of article 15. In this regard, the Committee reiterates the recommendations formulated in its previous concluding observations (E/C.12/1/Add.72, para. 25) that the State party (a) withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights and to article 30 of the Convention on the Rights of the Child and (b) consider ratifying the Council of Europe Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.

64. The Committee recommends that France review its position with regard to minorities and recognize officially the need to protect the cultural diversity of all minority groups under its jurisdiction. It accordingly recommends that France withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights[2] and to article 30 of the Convention on the Rights of the Child,[3] and ratify the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

65. The Council of State, on being seized of a request to give its opinion on the signing and ratification of the Framework Convention for the Protection of National Minorities, considered that the Framework Convention was by its very purpose contrary to article 2 of the French Constitution of 4 October 1958, which provides that "France shall be an indivisible Republic",[4] and to the principle that the French people is composed of all French citizens "without distinction of origin, race or religion" (opinion of 6 July 1995).

66. The French position, as understood in practical terms, is that affirmation of identity is the result of a personal choice and not of applicable criteria offering an a priori definition

[2] Article 27 of the International Covenant on Civil and Political Rights is worded as follows: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of that group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

[3] Article 30 of the Convention on the Rights of the Child is worded as follows: "In the those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture to profess and practise his or her own religion, or to use his or her own language."

[4] Renumbered as article 1 following the constitutional revision of 4 August 1995: "France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organized on a decentralized basis" (art. 1, para. 1).

of a particular group. This conception is at the basis of the refusal to consider the various components of the French people as forming one or more minorities. France considers that the application of human rights to all citizens, on a basis of equality and non-discrimination, will normally provide them, irrespective of their situation, with the fullest protection to which they may aspire. This is a particularly demanding conception of human rights.

67. These principles, taken together, do not, however, imply a legal framework such as to deny the cultural diversity of France. It should simply be recalled that the equality of all citizens, irrespective of how they may build their identity, is one of the ways that the principle of non-discrimination is implemented throughout the territory of the Republic. France has accordingly adopted measures and policies that, while promoting the principle of equality of treatment between persons without distinction of origin, enable all persons, whether or not they consider themselves to belong to one or more groups, to exercise their rights and liberties in practice without suffering discrimination in respect of their identity.

68. This is reflected in a number of concrete measures:

- Multilingualism is encouraged and bilingual education in regional languages is possible in schools, including middle and upper secondary schools;
- Establishment of supplementary educational and cultural activities in certain regions (particularly overseas);
- Specific measures to promote the integration of certain communities and combat marginalization: Travellers (setting up of a Travellers' national consultative commission, schooling, reception and stopping points) and Roma (national strategy for the inclusion of Roma);
- Facilitate access to education (e.g. grants for certain disadvantaged groups) and employment (measures to eliminate discrimination in hiring).

69. It is to be noted that these topics are regularly addressed and discussed in various forums and that French society shows a real attachment to these policies.

70. In the current state of French domestic law, with particular reference to constitutional provisions, there can be no question in the near future of withdrawing reservations to article 30 of the Convention on the Rights of the Child or article 27 of the International Covenant on Civil and Political Rights or of ratifying the Council of Europe Framework Convention for the Protection of National Minorities.

71. The Constitutional Council, for its part, when considering the compatibility of the European Charter for Regional or Minority Languages, signed by France on 7 May 1999, considered that the principles of indivisibility of the Republic, equality before the law and oneness of the French people "prevent the recognition of the collective rights of any particular group, defined by a common origin, culture, language or belief".

72. In 2013, the Government undertook an in-depth review of the question of the ratification of the Charter, which requires a prior amendment to the Constitution. Significant legal difficulties were identified, in particular by the Council of State, which had been called on to examine the bill on amendment of the Constitution. It became clear indeed that, legally speaking, it is difficult to reconcile in a coherent and non-contradictory manner the terms of the Charter and of the Constitution and that, paradoxically, the exercise carries a risk of legal insecurity. Nevertheless, the Government has undertaken to take steps to protect and promote regional languages, focusing on education, culture, the media and the role of local authorities.

73. In 2008, France undertook a constitutional reform allowing regional languages to be officially recognized and applies most of the provisions of the European Charter for Regional or Minority Languages (see below, implementation of article 15 of the Covenant).

V. Official development assistance

Recommendation contained in paragraph 32 of the concluding observations

The Committee recommends that the State party increase its official development assistance to 0.7 per cent of its GDP, as agreed by the Heads of State and Government at the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002.

74. France's net official development assistance (ODA) in 2011 was €9,345 billion (US$ 12,994 billion), as against €9,751 billion in 2010, a nominal decrease of €406 billion (-4 per cent) in relation to 2010.[5] Assistance through the bilateral channel increased (65 per cent of net total ODA in 2011, as against 60 per cent in 2010). The proportion of assistance through the European channel was 19 per cent (as against 21 per cent in 2010) and through the multilateral channel outside the European Union 16 per cent (as against 19 per cent in 2010).

75. This decrease was due essentially to the transformation of Mayotte into a French overseas department, thus excluding it from the list of beneficiaries of ODA of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD). Consequently, the assistance provided to Mayotte (€455 million in 2010) no longer counts as ODA.

76. In 2011, France was still the fourth leading contributor to net ODA worldwide, behind the United States, Germany and the United Kingdom and ahead of Japan. In terms of the percentage of its gross national income allocated to ODA, it exceeds the average of OECD member countries (0.46 per cent of gross national income (GNI), as against the OECD average of 0.31 per cent). It is to be noted that 16 countries in the Development Assistance Committee show a downward trend in the real value of their assistance as compared with 2010.[6]

77. In 2012, ODA is expected to amount to nearly €10.5 billion (a ratio of 0.5 per cent of GNI) under the effects of a probable increase in bilateral programme assistance and debt cancellation. Prospects for 2013, although uncertain, especially in the matter of debt cancellation, point to an ODA level of €10.2 billion.

VI. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms

Recommendation contained in paragraph 54 of the concluding observations

The Committee further encourages the State party to consider ratifying Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

[5] At 2010 prices and exchange rates, in 2011 French ODA fell by 5.6 per cent in relation to 2010.

[6] Most notably in Austria, Belgium, Greece, Japan and Spain.

78. France is already a party to many international instruments prohibiting discrimination. In particular, it has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms, article 14 of which prohibits any form of discrimination in the enjoyment of the rights and freedoms set forth in that Convention, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

79. However, France is not considering ratifying in the short term Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. For several years, the Strasbourg Court has been contending with a considerable increase in the number of cases referred to it, which will be accentuated as further complaints are lodged with it under Protocol No. 12. In addition, France considers that, through its forceful and extensive interpretation of article 14 of the Convention, the European Court of Human Rights has already established the autonomous nature of the principle of non-discrimination by applying it to cases that bear only remotely on one of the substantial rights guaranteed by the Convention.

80. Under these circumstances, the French State is not currently considering ratifying Protocol No. 12.

Article 3
Equal rights of men and women

81. Equality between men and women is guaranteed by the preamble to the 1946 Constitution. Similarly, article 1, paragraph 2, of the Constitution provides for equal access to elective office and to positions of legislative responsibility. France ensures equal access to economic, social and cultural rights for men and women in every field and at every stage of professional life, with special importance being attached to certain categories of women outside metropolitan France.

82. The measures described in this report will be carried further forward by the plan of action entitled "A third generation of women's rights: towards a society of real equality", adopted on 30 November 2012 by the Interministerial Committee on Women's Rights and Equality between Women and Men, chaired by the Prime Minister. This six-pronged plan of action seeks to: (1) address habitual inequalities in the earliest years; (2) relieve the constraints on women in everyday life and remove the obstacles to occupational equality; (3) place the reduction of inequalities between women and men at the heart of health democracy; (4) protect women from violence; (5) integrate equality into all aspects of public action; (6) assert the rights of women at the international level.

I. Promotion of equal rights of men and women in all aspects of working life

Recommendation contained in paragraph 34 of the concluding observations

The Committee recommends that the State party take all appropriate measures — including temporary special measures, where needed — to promote equality between men and women, improve the employment rate of women, reduce wage differentials *vis-à-vis* men and increase the percentage of women in high-ranking posts, in the public as well as in the private sector.

A. Widen the choice of educational and occupational options open to girls in initial training

1. *Second interministerial Convention on equality between girls and boys, women and men in the education system (2006–2011)*

83. The second Convention on equality between girls and boys, women and men in the education system was signed on 29 June 2006 by nine ministries.

84. It is a road map directed towards three priorities:

- Improving educational and vocational guidance of girls and boys for better integration into employment: production of studies and statistics on the vocational guidance and integration of girls and boys; incorporation of a gender dimension into information on courses of study and occupations; steering of girls towards scientific, technological and vocational studies;
- Ensuring gender equality in education for the young: integration into curricula of content on the place of women and men in society; prevention of gender-based violence;
- Mainstreaming gender equality in the professional and educational practices of educational actors: training of educational actors; integration of equality into school projects.

85. A new Convention was signed on 7 February 2013, which extends the two previous Conventions (2000 and 2006) up to 2018.

2. *Development of tools against discrimination in guidance*

86. The occupation and training discovery course, introduced throughout the system in 2009, concerns all pupils from seventh to twelfth grade and seeks to uphold the principle of equal opportunity, not only between children from different social origins but also between girls and boys.

87. In middle school, the occupation and training discovery course helps to inform pupils about different occupations and the corresponding courses of training. It enables boys and girls to diversify their options free of gender-based prejudice.

88. In upper secondary school, it includes visits to an institution of higher education, personalized guidance interviews and an active guidance mechanism.

89. The regional education authorities' internship portals *(banques académiques de stages)*, in place since the beginning of the 2009 school year, are designed to ensure greater fairness in internship opportunities and to combat all forms of discrimination.

90. The ministerial brochure entitled "Girls and boys on the path of equality from school to higher education", issued on 8 March 2010, offers a comparative statistical overview of the educational progression of girls and boys. Intended to serve as a reference tool for the regional education authorities, this document provides them with assistance in decision-making to stimulate action for the positive guidance of young people and more effectively establish equality between girls and boys at school.

91. Lastly, the National Office for Educational and Vocational Information (ONISEP) is using every possible means (print, digital and video media) to focus on the development of parity in the various fields of activity.

92. The plan of action adopted on 30 November 2012 provides for the establishment of a new public guidance service in order to consolidate these measures.

B. Measures to promote equality between men and women in higher education

93. Since 2007, the efforts of the Ministry of Higher Education and Research (MESR) to promote equality between men and women have taken the form of a number of regulations and incentive measures:

- Under the interministerial plan of action for women's rights and equality between women and men, MESR has set itself four goals: promote coeducation at higher level and combat gender-based representations of occupations; combat all forms of gender-based violence in higher education, in particular, ritualized or traditional gender-based or sexual hazing practices; ensure that each institution of higher education adopts an active gender equality policy towards students and faculty; publicize studies and research on gender stereotypes, equality between men and women and other gender issues.
- MESR is also a partner in the third plan (2011–2013) for combating violence against women. The action of the Ministry is directed, in particular, towards the prevention of violence through studies to quantify this phenomenon and the specific training of professionals.
- In 2010–2011, 57.2 per cent of students were women. This is a fairly stable proportion. There is however a difference between females and males in the choice of higher studies: female students are underrepresented in technological and engineering studies and, conversely, overrepresented in paramedical and social courses and in university literature courses. Under the 2006–2011 interministerial Convention for equality between girls and boys, women and men in the education system, MESR has set itself the goal of a greater gender mix in higher education courses and the elimination of gender-based representations of occupations. It also wishes to ensure that each institution of higher education adopts an active gender equality policy towards students and faculty and to publicize studies and research on gender stereotypes, equality between men and women and other gender issues. In this connection, the Charter for Equality between Women and Men in institutions of higher education and research was adopted by the Conference of University Presidents on 17 December 2009. Furthermore, since 2007, the Conference of *grandes écoles* has held an annual symposium on the subject of equality to which are invited the hundred or so "Equality" advisers of the member schools.
- The partnership with representative associations of higher education and of those working for equality between men and women has been strengthened. The Ministry offers grants in aid for activities carried out by the associations Women and Mathematics, Women Engineers, Women and Science, the French Association of Women University Graduates (AFFDU), the National Association of Women's Studies (ANEF) and the Mnemosyne Association for the Development of Women's and Gender History.
- In the research field, gender issues are one of the prongs of the national strategy for research and innovation (2009–2012). Furthermore, the Irène Joliot-Curie Prize is awarded in three categories: the "woman scientist of the year" category, the "young woman scientist" category and the "woman's company career" category.

C. Incentive measures for workplace equality between men and women

1. Awareness-raising for entrepreneurship and the creation and taking over of companies by women

94. In addition, most of the regional education authorities offer introduction-to-entrepreneurship courses in secondary education, particularly in vocational and technical

schools, but also in middle school. These courses, often provided with the collaboration of partners from outside the school, focus on innovation, teamwork, project management and even the virtual or actual creation of small companies for a limited period of time.

95. The "mini-enterprise" scheme, for example, set up in partnership with the association *Entreprendre pour apprendre*, has led to the establishment of more than 500 mini-enterprises, with girls participating very actively in the teams and in the prize-winning projects in both the regional championships and the national championship.

96. In order to increase the number of women creators of enterprises, a number of measures have been taken, including expanded access to bank credit through the Guarantee Fund for the Start-up, Takeover and Development of Businesses by Women (FGIF) and ensuring that women are included in and taken into account by business start-up assistance mechanisms.

2. *Access of women to economic decision-making*

97. In 2008, women held slightly less than one third of managerial posts in private and semi-public companies, although in the majority at university. The number of women in managerial posts is increasing in all sectors. The building sector shows the smallest proportion of women managers (13.5 per cent) and the services sector, the highest (34.2 per cent). Underrepresented at middle management level, women are even less present among salaried company directors (17.1 per cent). This proportion is unchanging and varies according to sector of activity, from 7.2 per cent in building to 21.3 per cent in trade. The proportion decreases as the size or turnover of businesses increases.

98. There has been an upsurge in the number of women members of boards of directors of companies listed in the CAC 40 index, which rose from 10.5 per cent in 2009 to 21.1 per cent in 2011. The proportion of companies with more than 20 per cent women in the membership of their board of directors rose from 13 per cent in 2009 to 30 per cent in 2010.

99. Act No. 2011-103 of 27 January 2011 on the balanced representation of women and men in boards of directors and supervisory boards and gender equality in the workplace contains the following provisions:

- Imposition of a minimum quota of members of either gender so as to ensure the balanced representation of women and men in the boards of directors and supervisory boards of companies. The quota is defined as follows:

  In the case of private companies, more particularly limited liability companies and joint stock companies whose shares can be negotiated on a regulated market, and companies that, over a period of three years, employ an average number of at least 500 permanent paid employees and have a net turnover or total balance of at least €50 million:

  - If there is no woman in the board of directors or the supervisory board at the date of promulgation of the law, at least one woman must be appointed at the following ordinary general assembly required to decide on the appointment of members of the board of directors or the supervisory board.
  - A 40 per cent quota must be observed on 1 January of the sixth year following the year of promulgation of the law (i.e. as from 1 January 2017).
  - Where the board of directors or the supervisory board has more than eight members, there may not be a majority of more than two members of either sex.

- In the more specific case of listed companies, an intermediate quota of 20 per cent must be met at the close of the first ordinary general assembly following 1 January of the third year following promulgation of the law (i.e. as from 1 January 2014, or even 2015 according to the situation).

The board of directors or the supervisory board has a time frame of six months to make provisional appointments whenever the membership of the board is no longer in line with the set quota.

Lists of candidates for election as representatives of employees in the board of directors or the supervisory board must be composed of an equal number of women and men.

- In the case of national public companies, industrial public and commercial entities or semi-public State-owned entities whose personnel are subject to private law, the following rules apply concerning members of the board of directors or the supervisory board appointed by decree:
  - If there is no woman in the board of directors or the supervisory board at the date of promulgation of the law, at least one woman must be appointed the next time a seat falls vacant.
  - A 20 per cent quota must be observed at the first renewal of membership following promulgation of the law.
  - A 40 per cent quota must be observed at the second renewal of membership of the board following promulgation of the law. When a maximum of eight members are appointed by decree, there may not be a majority of more than two members of either sex.
- The penalties provided by law are invalidation of appointments not in conformity with the set quotas and suspension of payment of attendance fees in the event of improper composition of the board.
- In addition, the board of directors or the supervisory board governed by the Commercial Code is required to decide each year on company policy in the matter of equality of employment and pay on the basis of a comparative report on the general conditions of employment of women and men in the company.
- In listed companies, the report of the chairperson of the board of directors or the supervisory board to the general assembly of shareholders must address the question of the application of the principle of the balanced representation of women and men in the board of directors or the supervisory board. Where the report is required to deal with the payment of corporate officers, it must also, where appropriate, note suspensions of attendance fees due to the improper composition of the board of directors or supervisory board.
- The State is required to produce a report on its administrative, industrial and commercial entities whose personnel are subject to rules of public law.

100. The decree of 18 December 2012 on the fulfilment of the obligations of companies in the matter of equality of women and men in the workplace strengthens the penalty measures applicable to companies that fail to comply with their obligations for workplace equality.

3. Workplace equality in the civil service

101. The Act of 12 March 2012 on access to permanent employment, improvement of employment conditions of contract staff in the civil service and measures to combat

discrimination, containing a number of provisions relating to the civil service, also includes a section on workplace equality between men and women (see below, art. 7, para. 3.2.2).

D. Lifting of obstacles to workplace equality

102. The plan of action entitled "A third generation of women's rights: towards a society of true equality" also focuses on ways of improving work-life balance, improving nationwide coverage of child-care facilities, putting part-time work on a more secure footing by introducing a minimum standard of 24 hours a week and strengthening equality in employment through social dialogue.

103. A framework law on women's rights should be submitted in the course of 2013. It will take account in particular of the outcome of negotiations between the social partners on the subject of workplace equality.

II. The promotion of women's rights in overseas France

A. The delegate for women's rights in each prefecture

104. In each of the overseas prefectures (Guadaloupe, French Guiana, Martinique, Mayotte, Reunion, Saint-Pierre-et-Miquelon) there is a delegate for women's rights, tasked with implementing at local level government policy for gender equality in four areas:

- Access of women to political, economic and community responsibilities;
- Workplace equality;
- Equality in law and dignity;
- Work-life balance.

B. Women's rights in the Pacific

1. The South Pacific Community

105. In New Caledonia and French Polynesia, women's rights are under local government jurisdiction. Both these governments have ministries for the status of women.

106. The region is slowly moving towards a gender balance in legislative institutions and bodies, while violence, poverty and inadequate health care continue to be the daily lot of many women. However, growing attention is being given to issues relating to the status of women, in particular through the South Pacific Community. In 2011, its human development department held the eleventh regional conference on the status of women, at which it presented the results and advances of programmes devoted to women. At the fourth conference on the status of women, the Platform of Action for the Pacific was approved. This regionally prepared regional declaration sets out 13 basic areas of action, including health care, education, participation in decision-making, the rights of indigenous peoples, etc.

2. The Observatory on the Status of Women in New Caledonia

107. In 2006, an Observatory on the Status of Women was set up with the aim of identifying areas for priority action by the Government. At the same time, a committee was set up for the purposes of the Convention on the Elimination of All Forms of Discrimination against Women to advise the government of New Caledonia on policymaking for women.

3. Educational guide to women's rights

108. In response to a request from an inter-ethnic group of Caledonian women, the Ministry for the Status of Women prepared an educational guide to women's rights.[7] The guide has a special section on international instruments, in particular the International Covenant on Civil and Political Rights, to which it devotes an entire page with a detailed description of the rights protected. It also includes an important section on women under customary law, so that such women do not feel excluded from these rights.

III. The integration of women belonging to racial, ethnic and national minorities

Recommendation contained in paragraph 33 of the concluding observations

The Committee recommends that the State party take all appropriate measures — including temporary special measures, where needed — to combat all forms of discrimination against women belonging to racial, ethnic and national minorities who live in ZUS areas ["critical urban zones"], in particular single mothers, so as to ensure their equal access to employment, social security and to social services, housing, health and education.

109. More than half of newly-arrived foreigners are women. Often victims of inegalitarian situations and violence, they are a priority target group for immigrant integration policy on account of their role in the family and in child education.

A. The reception and integration contract of the French Office for Immigration and Integration

110. Women make up the majority of persons signing the reception and integration contract presented to new immigrants at the reception desks of the French Office for Immigration and Integration. During the various stages in this process, and among the services proposed to new migrants, greater weight has been given to information regarding the republican principle of equality between men and women, secularism, issues relating to rights and the exercise of citizenship, fundamental freedoms and individual security.

B. Handbooks of the Agency for the Development of Intercultural Relations for Citizenship

111. Handbooks have been produced by this agency with the financial support of the public authorities. They provide those working on the ground in a variety of complex cultural situations with a methodology for crafting solutions.

112. The handbook *"Face aux violences et aux discriminations: accompagner les femmes issues des immigrations"* ("Against violence and discrimination – helping women of immigrant origin") was awarded the label "2008 – European Year of Intercultural Dialogue".

113. The handbook *"Femmes primo-arrivantes, de l'accueil à l'intégration"* ("New women immigrants, from reception to integration") offers methodological and theoretical tools for improving reception and support services for new women immigrants,

[7] http://www.gouv.nc/portal/docs/1/10434003.PDF.

helping them to exercise their rights and stand on their own feet and partnering them in their action.

C. Information centres on women's and family rights

114. These centres are designed to contribute to the social, occupational and personal empowerment of women and to promote gender equality. They inform, guide and assist users, primarily women, in the following areas: exercise of legal rights; protection against gender-based violence; support for parenthood; employment, vocational training and business creation; sexuality and health.

115. Distributed throughout the territory of France, including in its overseas departments, regions and communities, the 114 information centres on women's and family rights have 1,387 neighbourhood information points, installed in urban, rural and inner-city areas. In 2010, 151,785 persons benefited from this community information service; 3 per cent of them were foreigners.

116. At the national level, over the period 2009–2010, the National Information Centre on Women's and Family Rights and the Agency for the Development of Intercultural Relations for Citizenship launched the "PRAIT" project for the integration of new women immigrants, with the support of the European Fund for Integration. It aims to help women newly arrived from third countries to benefit from their rights as a factor in their integration into French society.

Article 6
Right to work

117. The integration of young people into the labour market, particularly those without skills or qualifications, is a major goal of employment policy.

118. Action to combat racial discrimination in employment and ensure equal access to the job market irrespective of a person's national, racial or ethnic origins also remains a concern of the French public authorities.

I. Youth employment

119. Several mechanisms serve to facilitate the integration of young people into the labour market:

- Work-study contracts, with consolidation of such mechanisms as apprenticeship contracts and training-for-employment contracts *(contrats de professionnalisation)*.
- Jobs for the future *(emplois d'avenir)*: this scheme, in operation since 1 November 2012, is aimed first and foremost at public stakeholders and seeks by 2014 to place 150,000 young people under the age of 26 among those furthest away from the labour market in "critical urban zones" in jobs that can be expected to last. Half of the 4,000 jobs created in mid-January 2013 concern the social solidarity economy sector.
- The generation contract, introduced after the passing of the Act of 18 March 2013, should make it possible to hire 500,000 young people under the age of 26 by 2017 while maintaining in employment the same number of persons over the age of 57.

A. General situation

Recommendation contained in paragraph 35 of the concluding observations

The Committee encourages the State party to strengthen its efforts to promote employment opportunities for young persons, especially those without professional qualifications and those living in ZUS areas, through specifically targeted measures, including vocational training, career guidance and tax incentives for companies hiring young persons.

120. The low rate of employment of young people reflects a longer period of education, but also the difficulties that underqualified young people have in finding jobs. For the 15–24 age group, the employment rate of young people in the second quarter of 2011 was 30.2 per cent.

121. The rate of unemployment for the same age group was 21.6 per cent in the third quarter of 2011 and jobless young people accounted for 8.3 per cent of the total unemployed. Youth unemployment is always more vulnerable to economic trends. Hence the 2008 downturn led to a marked increase in unemployment among the young, particularly young men.

122. Working life begins in very different ways according to qualifications and area of activity. The first job is rarely an open-ended appointment (CDI), except in the case of the most highly qualified. Young people who have specialized in industrial or scientific fields enter the employment market more easily than those in the tertiary sector or the humanities.

B. Initiatives in the world of education to give young people a better chance of getting jobs

1. Measures taken to promote youth employment

(a) Work-study arrangements as an effective tool for securing a first job

123. The work-study or sandwich course mechanism entails the sharing of periods of training between an educational institution and an enterprise. It lends itself to skills acquisition and integration in and familiarization with the working environment. By offering a specific form of instruction, it also enables young people who do not wish to pursue a conventional course of academic study to have access to higher education. The past ten years have seen a big increase in such arrangements.

124. Those concerned are either enrolled in an educational institution (students in a vocational school, agricultural school or a vocational section in a general and technical secondary school undergo a mandatory period of on-the-job training under a formal internship agreement) or have apprenticeship appointments (apprentices, bound to a company by a contract of employment, are given training alternately by the company and by an Apprentice Training Centre – CFA).

125. The number of apprentices in higher education passed the 110,000 mark in 2011, an increase of 92 per cent in eight years. Currently, 24.3 per cent of apprenticeship courses take place at the level of higher education, as against 10 per cent in 1997–1998.

126. At the beginning of the school year, in September 2011, the number of apprentices in higher education increased by 7.3 per cent. Following the financial incentives announced by the Government on 1 March 2011, in the form in particular of payroll tax exemption for companies with under 250 employees that hire apprentices, an increase in work-study

student quotas, the creation of a bonus-malus system for companies with more than 250 employees and simplification of the conditions to become an apprenticeship supervisor, there should be a further increase in the 2011/12 school year.

127. The work-study arrangement is also used in formal initial vocational education, i.e. in vocational schools. Vocational diploma courses thus include periods of on-the-job training under an agreement concluded between the host company, the school and the student. The length of the training period varies according to the nature of the diploma and the field of study. The on-the-job training received is evaluated (in conjunction with the host company) and counts towards the diploma.

128. In January 2011, the Government set itself the goal of achieving a substantial increase in the number of work-study contracts for young people (from 600,000 to 800,000 in 2015). By late December 2011, 629,000 young people were on work-study contracts (apprenticeship and training for employment). Over a period of one year, 32,000 additional contracts were issued.

129. The Act of 28 July 2011 on the development of work-study schemes and more secure career progression streamlined the arrangement so as to make it easier for it to be adopted by companies and employees.

130. Moreover, the 2012 Budget Reconciliation Act increased the work-study student quota for large companies from 4 per cent to 5 per cent while adjusting the additional work-study contribution rate according to the company's work-study student hiring record. The increased obligation to hire such students is backed by the introduction of a bonus for employers who exceed what is required of them. At the same time, tax and surcharge monitoring procedures are to be overhauled.

131. Furthermore, the Government has introduced a new financial subsidy for small and medium-sized enterprises with under 250 employees to enable them to recruit an additional work-study student under the age of 26.[8]

132. In partnership with the Regional Councils, aims and means contracts (COMs) for the modernization of apprenticeship have been instrumental in increasing the availability of training through the injection of €1.4 billion under the umbrella of the first generation of such contracts (2005–2010). The second generation of COMs (2011–2015) will further increase the scope of these measures, with an appropriation of €1.7 billion.

133. In addition, the "investments-for-the-future programme" includes a €500 billion earmark allocation to improve the living conditions of work-study students (€250 million) and ensure better design of training (€250 million). To date, six projects have received funding under this modality, representing a total amount of €40 million and some 1,000 additional apprentice places.

(b) Greater support for young job seekers and measures to combat school dropout

134. The plan *"Agir pour la jeunesse"* ("Moving ahead for youth"), in place since September 2009, sets out ways and means of combating school dropout through the concerted action of stakeholders in education, training and youth integration by way of school dropout support groups.

135. The social partners have also made a priority of jobs for the young, as shown by the National Cross-sectoral Agreement (ANI), signed on 7 April 2011, on supporting measures

[8] Decree No. 2011-523 of 16 May 2011 on assistance for the hiring of an additional young-apprenticeship or training-for-employment contract holder in small and medium-sized enterprises.

for young job seekers. The agreement was given a positive first assessment on 30 March 2012, with reference to its two target groups: young "dropouts" and young graduates having difficulties in finding a job. With regard more particularly to the young "dropouts", followed up by local teams, at the end of December 2012, 21,000 young people had gone through the review process and close to 8,300 had obtained contracts following intensive tracking.

136. The Joint Fund for Security of Occupational Progression (FPSPP) was established by the social partners in January 2009. It offers the resources needed to finance support services within a limit of €30 million, while assigning responsibility for the payment of local missions to the governmental employment centre *"Pôle emploi"*. This Fund can help wage-earners or job seekers to acquire new skills or be retrained, particularly those who have been without a job for the longest time. All wage-earners can undertake a state-of-career assessment and establish a "training passport", which lists all the training they have received and the qualifications they have obtained. The Fund helps to put career progression on a more secure footing with a view to enabling both employers and employees to be ready for "when the crisis is over".

137. A decree of 4 May 2011[9] for the implementation of a public lifelong guidance service provides for area-based vocational guidance services grouped together within a single structure.

2. *Renewal and development of vocational education courses*

(a) Renewal of vocational education

138. The renewal of secondary-level vocational education, which one third of young people enter after middle school, has been fully under way since the start of the 2011 school year. The object is to raise the general level of qualifications obtained and to reduce dropout and the number of students who leave school without qualifications. Features of the reform include:

- Shorter preparatory course for the vocational baccalaureate (three years instead of four) in line with the period of training required for the general baccalaureate. This change serves to affirm the equal standing of the vocational track and the general track.
- New curricula.
- New modes of organization (new timetables, individualized support).

139. Individualized support is tailored to each pupil's progression while seeking to achieve a number of objectives, including:

- Improving pupil performance in basic fields of study (such as comprehension and written expression in French);
- Offering methodological assistance (training in note-taking and document research);
- Preparing for new options, by further developing a field of study, by training for examinations, including competitive examinations, and by helping them to sustain their career designs.

140. Those concerned are pupils in vocational secondary schools who need assistance in their training, those who wish to move into another field of study or leave the vocational

[9] Decree No. 2011-487 of 4 May 2011 on implementation of article L. 6111-5 of the Labour Code.

track for the general and technological track and those who want to go on to higher education.

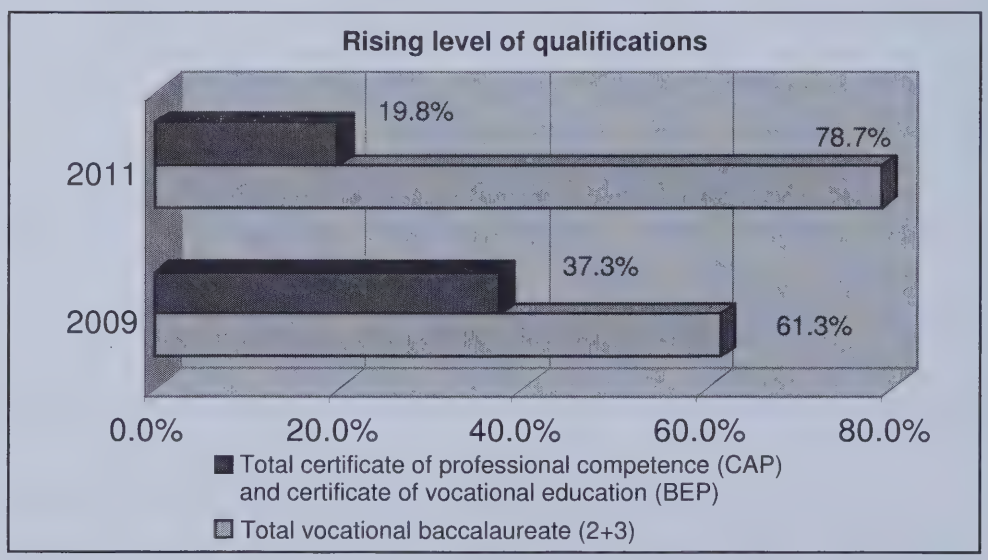
(b) The development of vocational secondary schools

141. Since 2002, the *"lycée des métiers"* (vocational secondary school) label has been applied to schools that offer a wide range of training and services in one or more occupational fields for every kind of target group (secondary school student, apprentice, adult wage-earner or job seeker), in particular through active partnership with both economic actors and the territorial authorities.

142. Vocational secondary schools ensure a more consistent match between the training available, the expectations of various groups and the needs of employers. They offer a variety of courses leading to a number of qualifications, from the certificate of professional competence (CAP) to higher technological and vocational diplomas, on the same premises. They thus help to combat school dropout and to promote lifelong universal access to professional certification. These schools, which numbered 695 at 31 December 2010, are bound to go on being developed.

(c) Higher qualifications: wholesale access to the vocational baccalaureate

143. Student numbers are on the increase: in 2011, nearly 79 per cent of students in public and private vocational education were registered to take the vocational baccalaureate, representing 115,000 more students than in 2009. Furthermore, CAP students are taking the vocational baccalaureate in greater numbers than before: nearly 21 per cent of such students, as compared with 17.4 per cent in 2009.



144. More students are sitting for the vocational baccalaureate: nearly 40,000 more than in 2009. There are also more passes (not counting the agricultural vocational baccalaureate): in 2011, nearly 140,000 students were awarded the vocational baccalaureate, as compared with 102,287 in 2010 (a 35 per cent increase).

145. Increasing numbers of students are going on from vocational studies to take the higher technician's certificate (BTS): the trend observed in 2010 (18.4 per cent of vocational baccalaureate holders going on to the BTS) continued in 2011 (21 per cent taking the BTS in 2011).

146. In the event that the proportion of baccalaureate holders going on to higher education were to remain constant (a hypothesis that remains to be confirmed) at 26 per cent, this would result in a twofold increase in the number of applicants for higher education (nearly 19,000 in 2010, 39,000 in 2012) at the beginning of the 2012 academic year.

(d) Fewer unqualified school leavers: sounder training courses

147. It is noted that a larger number of students, particularly weaker students, are sitting for a first level V diploma. Thus, more students in general and adjusted vocational education (SEGPA) are obtaining the CAP: in 2011, nearly 57 per cent of SEGPA students sat for the CAP (as against 49 per cent in 2009 and 10.4 per cent in 2007). At the same time, the SEGPA graduation rate dropped by more than eight points (39.7 per cent in 2011 as against 47.1 per cent in 2009).

148. Under-achieving students have also been able to take other routes to a level V diploma (10th grade vocational education to CAP and, to a lesser extent, 10th grade general and technical education).

149. One of the other aims of the reform was to stabilize student numbers in vocational education: this aim has also been achieved (-0.6 per cent in 2011).

Focus on Act No. 2011-893 of 28 July 2011 on the development of work-study schemes and security of occupational progression

This Act translates into law the commitments of the Government and certain provisions of the social partners' national cross-sectoral agreement of 7 June 2011 on youth employment.

It includes a series of new measures aimed at increasing the number of young people in work-study schemes, and in particular:

- Introduction of a special "vocational student" *(Étudiant des métiers)* card allowing apprentices and training-for-employment contract holders to enjoy certain advantages and benefit from the same price reductions as students in higher education (arts. 1, 2 and 3).
- Abolition of checks on the validity of apprenticeship contracts by regional directorates of business, competition, consumption, labour and employment (art. 11), thereby speeding up the administrative process.
- Creation of a free online work-study service with the participation of consular chambers and approved vocational training funds (OPCAs), simplifying administrative procedures for young people and companies (art. 4).
- Possibility of offering work-study positions in other categories of employment. In particular, it allows apprenticeship and training-for-employment contracts to be concluded between a young person and two companies for the purpose of seasonal activities (arts. 6, 7 and 8). Companies offering temporary employment may establish apprenticeship contracts; the minimum duration of each temporary work assignment under an apprenticeship scheme is six months (art. 7).
- Possibility of renewing a fixed-term training-for-employment contract with a view to a higher or further qualification or in cases where the person concerned has not obtained the qualification stipulated in the contract through failing the examination or because of sickness, work-related accident or defective training arrangements (art. 9).

The Act also establishes a legal framework for the organization of on-site observation periods for a maximum period of one week during the school holidays, supported by consular chambers and open to middle and secondary school students, so as to enable them

to determine a choice of options (art. 15).

It allows apprentice training centres to admit, for a maximum period of one year, students of 15 years and over or having completed the middle school course, so as to enable them, while retaining student status, to be trained under a work-study arrangement and thereby become acquainted with an occupational environment in line with an apprenticeship startup project (art. 18).

Lastly, it offers apprentices who enter a three-year programme towards a vocational baccalaureate the possibility, at the end of the first year, to switch towards a certificate of professional competence (art. 24).

These measures are backed by the following action to make young people and companies aware of the development of work-study:

- On the occasion of the "Employers into action" initiative on 28 June 2011, a charter for the development of work-study with qualitative and quantitative goals was concluded with companies listed in the CAC 40 index.
- The Apprenticeship Club, set up on the initiative of the Government, designed to make young people aware of the opportunities for training provided by apprenticeships, is run by former apprentices who have become standard-bearers in their field. The site Viadeo.com provides apprentices, companies and training centres with a means of contacting one another.
- An Internet portal (www.contrats-alternance.gouv.fr) offers online more than 60,000 work-study opportunities. It facilitates the procedures for young people under the age of 26 to apply for an apprenticeship or training-for-employment contract. It should be included in the work-study portal that will house the online service established by the Act of 28 July 2011.
- The national information campaign to promote the apprenticeship system under the banner "a job, a diploma, an income – that's what apprenticeship is all about", launched in May 2011, helped to inform people about the types of training available through work-study, overcome hesitations and received ideas and awaken a desire to opt for work-study as a means of training.

3. Cooperation with the world of work

150. In view of the difficulty that young people have in finding jobs — which could of course become more acute with the crisis — it is appropriate to encourage the development of cooperation between institutions of education and training and the world of work. The employability and future careers of young people largely depend on such partnerships, which in the past few years have become more firmly established.

(a) Participation of professional communities and social partners in the development and renewal of diplomas and training courses

151. Various specialized bodies are tasked with ensuring that initial and continuing vocational training programmes and the qualifications to which they lead remain constantly attuned to evolving economic needs.

- The High Committee on education, the economy and employment is required mainly to analyse and form an overall picture of the situation in conjunction with other ministries and institutions responsible for training, the economy or employment;
- The Consultative Professional Commissions (CPCs) are directly tasked with designing curricula and diplomas and advising on the creation, updating or

termination of diplomas of technical and vocational education, from the certificate of professional competence (CAP) to the higher technician's certificate (BTS);

- Under the validation of prior experience scheme (VAE), any person who has been employed for at least three years may obtain all or part of a professional diploma or qualification through recognition of the skills acquired on the job.

152. In higher education, professional diplomas are traditionally determined by the following specialized commissions, composed of equal numbers of academics and professionals:

- The National Pedagogic Commissions, established for each subject or set of subjects taught in University Institutes of Technology (IUTs);
- The National Expert Commission on Professional Degrees (a type of degree created in 1999), established in partnership with the business world and occupational sectors;
- The Commission on Engineering Qualifications, for diplomas in engineering.

(b) Training in interaction with economic and professional communities

153. For school leavers between the ages of 16 and 25 and for job seekers over the age of 26, the training-for-employment contract is another form of work-study introduced by the occupational sectors.

154. Where adult education is concerned, the Ministry of National Education caters to adults, particularly company employees, through Consortia of Institutions (GRETAs), which are the leading providers of continuing education and facilitators of education-industry relations for schools.

155. For the purposes of lifelong education and training, the adult continuing training network operated by the Ministry of National Education offers company employees and job seekers courses of training aimed at ensuring their social and occupational integration, keeping them in their jobs or enabling them to keep pace with economic or technological changes.

156. The LMD (Bachelor's degree, Master's degree, Doctorate) and VAE (validation of prior experience) systems were designed as part of a comprehensive continuing education approach so that institutions of higher learning eventually form a genuine "university of lifelong training".

(c) Active guidance in institutions of education

157. In secondary education, students learn about the different occupations through a number of schemes: the job discovery option in eighth grade, universalization in 2009 of the "path of discovery to jobs and training" and the "School-Business Week". Activities are also organized throughout the year (visits to companies, reports from employers and employees, internships for teachers, debates, etc.).

158. In higher education, the Act of 10 August 2007 on university freedoms and responsibilities sees vocational guidance and integration as one of the functions to be served by higher education. It establishes in each university an employment support office (BAIP) for students, to disseminate internship and job offers in relation with the courses of training proposed by universities.

159. The engineering and commercial *"grandes écoles"* (specialized competitive-entrance institutions of higher education) traditionally offer courses of education in

interaction with economic and social demand with the aim of ensuring immediate employment for students.

(d) Participation of economic partners in the development of economic culture and the entrepreneurial spirit

160. In formal education, several mechanisms serve to develop in young people a spirit of initiative and to acquaint them with the operation of the economy:

- The redesigned vocational baccalaureate.
- For middle school and secondary school students pursuing technical and vocational studies, steps to promote mini-businesses have been taken through the association *"Entreprendre pour apprendre"* ("Entrepreneurship in the service of learning"), which draws on its network of entrepreneurs to help such businesses and assist them in putting together projects.
- Signing of an agreement between the Minister of National Education, the association "100,000 entrepreneurs" and small and medium-sized enterprises, in 2009. The aim is to arrange for the sponsorship of middle and secondary school classes by business people and to promote the programme "For each ninth-grade class, an entrepreneur" established in 2008.
- Establishment of an observatory on the teaching of entrepreneurship in order to identify the different methods used and promote exchanges and synergies for the development of more effective action.

161. In higher education, in addition to career-oriented training courses, the Government has sought to encourage students or any other persons engaged in research work in institutions of higher education to found companies by establishing the status of *"Jeune entreprise universitaire"* (JEU), or "Young academic enterprise", eligible for a number of benefits.

(e) Multi-dimensional school-business partnerships

162. For several years now, government offices, professional organizations and companies operating at national level have forged special ties in order to promote vocational training and strengthen partnerships with training institutions in most of the industrial and tertiary sectors.

163. These partnerships are reflected in many practical ways, particularly in the following areas: information about jobs and the changing requirements of vocational diplomas; development of training schemes; creation of educational tools and resource centres; exchanges and discussions between the various stakeholders concerned with training; technological cooperation; development of the validation of prior experience mechanism; organization of long business internships for teachers; in-service personnel training.

164. For example, schools and companies link up in technology platforms designed to promote innovation and technology transfer from education and training institutions to meet the needs of small and medium-sized enterprises.

(f) The "zero cost" arrangement

165. A decree of 7 February 2012, issued as a follow-up to the crisis summit of 18 January 2012 bringing together the President of the Republic and trade union and employers' organizations, provides very small enterprises (under 10 employees) with assistance when they hire young people under the age of 26: companies that hire a young person full-time or part-time under a fixed-term contract (CDD) for more than one month

or under an open-ended contract (CDI) over the period January to July 2012 are exonerated from employers' social charges for one year.

C. Youth policy in disadvantaged urban areas

166. Successive reports of the national observatory on critical urban zones (ONZUS) reveal that it is more difficult to secure employment in so-called urban improvement neighbourhoods (*"quartiers dits 'politique de la ville'"*), affected by social and urban inequalities, than in other areas. The 2010 report thus notes that in 2009 the unemployment rate in the 15–59 age group in critical urban zones (ZUS) was twice as high as the national average (18.6 per cent in ZUS areas, as against 9.2 per cent in metropolitan France). Moreover, in communities in difficulty that have concluded an urban contract for social cohesion (CUCS) with the State and are not classified as ZUS areas, the situation has deteriorated, with the unemployment rate falling from 8.6 per cent in 2008 to 12.4 per cent in 2009. Young people are specifically affected by difficulties in finding a job. Again, according to the 2010 ONZUS report, 43 per cent of economically active young men and 37 per cent of economically active young women living in ZUS areas were unemployed in 2009. In addition, a growing proportion of young graduates in such areas are finding themselves without work.

167. Various reasons have been identified to account for these disparities: structural handicaps of the population (youth, fewer graduates, large families in vulnerable situations, etc.), but also specific obstacles to employability (poor socio-occupational network, difficult mobility, distance from corporate culture, discriminatory hiring practices, etc.).

168. Among the strategic goals of urban policy, as defined by Framework Act No. 2003-710 of 1 August 2003 on town planning and urban renewal, supplemented by Act No. 2006-396 of 31 March 2006 on equality of opportunity, translated into operational measures by meetings of the Interministerial Committee on Urban Affairs, particularly those of 18 February 2011, two bear directly on youth employment:

- Promote economic development and access to employment by creating a framework conducive to the development of activities, making use of subsidized contracts for groups experiencing the greatest difficulty and providing more individualized support for job seekers from priority areas through specific mechanisms (the mutual commitment to the creation of businesses and jobs known as the *"contrat d'autonomie"*, "second chance" mechanisms, etc.);
- Encourage educational success and equal opportunity through the priority education policy, consolidation of the educational success programme and support for neighbourhood associations, but also by helping the most vulnerable groups to have better access to culture, leisure activities and sport.

1. The "contrat d'autonomie" *introduced in July 2008 under the "Hope for the suburbs" plan*

169. The *"contrat d'autonomie"* is a support mechanism for young people under the age of 26 living in CUCS communities in 35 departments, whether or not registered with the Public Employment Service (SPE), who are experiencing particular difficulties in finding employment.

170. It consists of a short, intensive process of support towards occupational integration under a contract concluded between a young person and a job placement agency paid according to results. The *"contrat d'autonomie"* should lead to lasting employment through: an open-ended contract (CDI), a fixed-term contract (CDD) or temporary employment contract for six months or more, a training-for-employment contract, an apprenticeship contract, a business start-up or access to skills training for young people of

level V and below. To help young people to become independent, the contract provider pays a €300 monthly grant to the beneficiary while respecting the terms of the contract and may draw on various sources of material support for the young person (mobility incentives, short training courses, etc.). The young people concerned are tracked for six months to ensure that the employment or training remains stable or that the business that has been established is set to last.

171. In 2010, forecasts as to the number of young people entering the scheme were exceeded and there was a sharp rise in the number of successful completions. As at 31 July 2011, 43,331 *"contrats d'autonomie"* had been signed, nearly half of them by unskilled young people. The majority of those involved were men (57 per cent) and the average age was 21. One half of them registered spontaneously for the scheme, in particular because they had heard about it through word of mouth. A third of those entering the scheme were directed towards it by the Public Employment Service (20 per cent by local employment offices and 12 per cent by the governmental employment centre *"Pôle emploi"*). The proportion of successful completions in 2010 was 46 per cent, as against 34 per cent in 2009, with however marked disparities between operators[10] (from less than 20 per cent to more than 60 per cent).

172. The *"contrat d'autonomie"* scheme was extended in February 2011 by the Interministerial Committee on Urban Affairs, which decided to add 15,000 additional contracts to the initial budget of 45,000, in the form of a second tender cofinanced by the European Social Fund (ESF) and launched in April 2011; lots will be announced in September. The scheme will thus have benefited 60,000 young people between 2008 and 2012.

2. *Specific measures in the urban tax-free zones*

173. The urban tax-free zone (ZFU) system is one of the tools used by the Government to promote the economic development of disadvantaged areas and stimulate job creation.

174. The ZFUs were established by the Act of 14 November 1996 on the urban regeneration pact, subsequently amended in 2003 and 2006. There are currently 100 ZFUs, seven of which are in overseas departments.

175. The ZFUs enjoy advantages in the form of tax and social security exemptions up to 31 December 2014. This exemption scheme applies to companies created or put in place no later than 31 December 2011, which have a maximum of 50 employees and whose annual turnover does not exceed €10 million. Social security exemptions are subject to the hiring of persons living in critical urban zones.

176. Since the system was established, a very significant number of companies have been set up. New company start-up rates are distinctly higher in ZFUs than in reference urban areas (2010 ONZUS report). ZFUs contain 300,000 wage-earners; building, trade and, to a lesser extent, health-care companies predominate.

D. Other measures for young people in difficulty

1. *The Public Defence Integration Institution*

177. The Public Defence Integration Institution (EPIDE) is an administrative public institution under the threefold authority of the Ministers of Defence, Employment and

[10] Temporary employment companies, training establishments, employment assistance associations or local employment offices.

Urban Affairs. It offers a support mechanism for the social and occupational integration of young people in difficulty. The annual budget allocated to EPIDE in the period 2009–2011 was €85 million (not counting non-budgetary revenue of the institution).

178. The young people concerned enjoy a special status and sign a contract for integration on a voluntary basis. This comprehensive educational project (including educational rehabilitation, vocational training and life skills development) is conducted in boarding facilities in the 20 centres run by EPIDE. The centres took in 2,275 young people in 2009 and 2,390 in 2010; the goal for 2011 is 2,430. The proportion of young people living in ZUS areas (34 per cent) was stable in 2009 and 2010.

2. Second-chance schools

179. The purpose of second-chance schools is to ensure the social and occupational integration of unskilled, unemployed young people between the ages of 18 and 25.

180. Nearly 5,100 places were registered under stimulus plan appropriations for 2009 and 2010; these being added to the number of places initially available, the capacity created at the end of 2010 was nearly 9,800 places, or 82 per cent of the target figure of 12,000 places. In 2010, 8,049 young people were admitted into such schools, a 68 per cent progression since 2008; 2,810 of them, or 38 per cent, were from urban improvement neighbourhoods *("quartiers dits 'politique de la ville'").* At the end of 2010, the network comprised 70 sites in 16 regions and 35 departments. Over 2010, as in 2009, 59 per cent of young people enrolled in such schools successfully moved on to employment (22 per cent), vocational training (22 per cent), work-study (13 per cent) or subsidized contracts (2 per cent).

181. At the financial level, an allocation of €26 million was earmarked for such schools under the 2009/10 stimulus plan. In 2011, the State's contribution, alongside that of the regions, was still €24 million in view of the importance of maintaining the momentum, the considerable demand among young people who had been without employment for the longest time and the need for nationwide coverage. In 2012, the Government decided to maintain the State's contribution at €24 million in order to continue to develop such schools up to the target of 12,000 places.

3. The social integration contract

182. The social integration contract (CIVIS) is a support mechanism provided by a single adviser designed to help unqualified or under-qualified young people between the ages of 16 and 25 to find a job. The Act of 21 April 2006 on young persons' access to employment in companies expanded this scheme by making it available to young higher education graduates with a particularly poor employment record (a total of 12 months' unemployment over 18 months) and by focusing on gainful activity. It is not a contract of employment.

183. CIVIS is designed to provide the necessary practical framework to translate into reality a lasting employment project or a project for the creation or resumption of an independent activity. Advisers from the local missions or from reception, information and guidance centres (PAIO) provide individualized support for young people under this scheme.

184. The contract is signed, on behalf of the State, by the local mission or PAIO and by the young person concerned. It is concluded for one year, renewable for up to one year when the goal of occupational integration has not been achieved. The contract-holder, on condition of being at least 18 years old, may receive State support in the form of an allowance paid during periods when no remuneration or any other allowance is received for work performed as an employee or trainee. The allowance amounts to between €5 and

€10 a day, up to €300 a month and not exceeding €900 a year. The number of young people to benefit from this measure was 228,142 in 2010, 178,155 in 2011 and 154,067 in 2012.

4. Employment platforms

185. Employment platforms are operated by the governmental employment agency *"Pôle emploi"*, with the participation of employers. They serve to guide young people possessing the skills needed for the proposed employment towards locally recruited jobs, irrespective of gender, and to change the ideas that young people and employers themselves have about certain jobs. For instance, a young man may be steered towards a personal care profession, just as young woman may be encouraged to go into the building industry.

186. Since the programme was launched, in 2005, one million young people have thus gone through the employment process, with the support of the local missions. More than half of them do not have an initial qualification or diploma and 91 per cent do not have the baccalaureate. The majority are young women (53 per cent since 2005 and 51.6 per cent just in 2010).

187. Of the young people who have benefited from this mechanism (in combination with others since 2005), 34 per cent have a steady job after spending an average of less than 18 months in the programme. The results at the end of one year are lower (19 per cent with a steady job).

5. Jobs for the future, subsidized contracts and work-study diversification

188. The "Jobs for the future" programme, launched on 1 November 2012, targets unqualified young people between the ages of 16 and 25, particularly in urban or rural areas most affected by unemployment. The young people are recruited for socially or environmentally useful activities or for activities with a high potential for job creation. The employment contracts issued under this programme are either open-ended or fixed-term (three years or one year renewable up to three years), particularly under subsidized contracts designed to facilitate the return to employment of recipients of minimum social benefits and persons having difficulty in securing a job. The skills acquired are recognized by a training certificate, a record of professional experience or a validation-of-prior-experience certificate. Provision is also made, along the same lines, for "teaching jobs for the future" for 18,000 bac+2 scholarship holders from disadvantaged areas who intend to take up teaching.

189. The Government has set itself the goal of 150,000 "Jobs for the future" contracts in 2014, including 100,000 in 2013.

190. Furthermore, work-study has been made possible in the civil service through the PACTE mechanism (gateway to regional, hospital and State civil service posts), open to young people between the ages of 16 and 25 who have left school without qualification or diploma or without obtaining the baccalaureate. It provides access to category C posts via a public law contract leading to a permanent appointment following between one and two years' paid work-study. The permanent appointment rate under the PACTE scheme is between 70 per cent and 75 per cent on average.

II. Application of the principle of equal access to employment

Recommendation contained in paragraph 36 of the concluding observations

The Committee recommends that the State party continue to strengthen its legal and institutional mechanisms aimed at combating racial discrimination in the field of employment and facilitating equal access to employment opportunities for persons belonging to racial, ethnic and national minorities.

A. Persons with disabilities in the world of work

Recommendation contained in paragraph 38 of the concluding observations

The Committee recommends, in line with its general comment No. 5 (1994) on persons with disabilities, that the State party adopt all appropriate measures to ensure that persons with disabilities have equal opportunities for productive and gainful employment, in shelter facilities as well as in the open labour market. The Committee requests the State party to provide information in the next periodic report on progress made in the implementation of Act No. 102/2005 of 11 February 2005, which requires companies with more than 20 employees to recruit 6 per cent of their workforce among persons with disabilities.

1. The Fund for the Integration of Persons with Disabilities in the Civil Service (FIPHFP)

191. Act No. 2005-102 of 11 February 2005 on equal rights and opportunities, participation and citizenship for persons with disabilities established a Fund for the Integration of Persons with Disabilities in the Civil Service (FIPHFP), to which public employers make a financial contribution in proportion to their non-compliance with the requirement that 6 per cent of their personnel should be persons with disabilities.

192. The resources managed by the Fund serve to finance action for the job integration and maintenance of workers with disabilities in the public sector, either on a case-by-case basis or under agreements with public employers. In 2011, 70.12 per cent of total public sector employees were covered by agreements concluded with public employers (as against 4.74 per cent in 2007).

193. The Fund uses the services of *Cap emploi*, a network of job placement services for persons with disabilities, in securing public sector positions for 32,358 workers with disabilities. It has granted more than €6 million in assistance towards the recruitment of more than 2,500 apprentices in the public sector and granted a total of more than €43 million in assistance for all such action.

194. The Fund has had a beneficial effect on the rate of legal employment of workers with disabilities in the civil service. It rose from 3.74 per cent in 2006, the year when the Fund was established, to 4.22 per cent in 2011 and there are now in the public sector 187,217 employees benefiting from the obligation to employ workers with disabilities.

2. Advances triggered by the 2008 and 2011 National Conferences on Disability

195. The three-yearly National Conference on Disability, established by the Act of 11 February 2005, has the function of reviewing government action and setting out new guidelines, particularly for the employment of persons with disabilities.

196. Follow-ups to the first conference in 2008 included the establishment of a new Interministerial Committee on Disability, the launching of a public sector employment plan for workers with disabilities, extension of the right to early retirement at the age of 55 to all workers with disabilities and the entry into force of the reform concerning the adult disability allowance (AAH) (possible combination of the allowance with an income up to 1.3 times the minimum wage, as against 1.1). The adult disability allowance has increased by 25 per cent since 2008.

197. As for the vocational training of workers with disabilities, a marked increase is to be noted in the overall training effort:

- In 2010, the number of such persons entering training was 83,600, a 13 per cent increase since 2008 and a 37 per cent increase since 2006;
- 2009 was an exceptional year in this respect, with a total of more than 90,000 persons with disabilities entering training (as against 61,000 in 2006);
- In 2010, the budget was €570 million, a 40 per cent increase since 2008 and a 58 per cent increase since 2006.

198. One of the main measures announced at the second national conference on 8 June 2011 concerned the establishment of a new employment plan for workers with disabilities, entailing:

- The creation of 1,000 additional posts every year for three years in disability-friendly companies;
- Prioritization of young persons with disabilities for State/regional apprenticeship contracts;
- Specific assignment to the public guidance service of young persons with disabilities, particularly those from medico-social institutions;
- Measures to inform employees more fully about the training available in each region;
- A subsidized contract budget for workers with disabilities having the lowest records of employment, set each year by the Prefect at the regional level, and the establishment of a limitation period for subsidized contracts in the *Cap emploi* network;
- Mobilization of additional resources to ensure that the number of workers with disabilities handled by *Cap emploi*, under the co-contracting agreement between *Pôle emploi*, the Fund Management Association for the Integration of Persons with Disabilities (AGEFIPH) and the Fund for the Integration of Persons with Disabilities in the Civil Service (FIPHFP), is maintained at the 2010 level in 2011 (70,000 persons);
- Steps to combat occupational exclusion: speeding up of formalities and development of responses for the job reclassification of employees found to be unfit;
- Development of training of human resource officers in the civil service to take disabilities into account;
- Coverage of the traineeship allowance for trainees with disabilities in the civil service;
- Better steering of employment policy through stronger partnerships and clearer definition of responsibilities between the State, the public employment service and AGEFIPH.

3. Employment rehabilitation establishments and services (ESAT)

199. ESATs (formerly known as employment rehabilitation centres) are care institutions that receive, on the recommendation of the Commission on the rights and autonomy of persons with disabilities, persons whose work capacity is less than one third of the normal work capacity and who cannot therefore temporarily or permanently perform an occupational activity in an ordinary work setting. They have a twofold purpose: economic and medico-social/educational.

(a) Availability and financing of places

200. On the basis of a needs assessment conducted through interdepartmental disability and impaired living support programmes, 51,450 places are provided for under the multi-year placement plan (39,200 places for adults, including 10,000 places in employment rehabilitation establishments and services, and 12,250 places for children), which will be made available by 2015. The main objectives of this plan are the gradual reduction of waiting lists, improved support for severe disability (autism, multiple disability, serious behavioural disorder) and provision for the advancing age of those receiving care in institutions.

201. The most recent data available on the implementation of this plan derive from the status review conducted in June 2011 by the National Solidarity Fund for Autonomy (CNSA). The review shows that, as at 31 December 2010, nearly 42 per cent of the total number of places provided for under the plan had been approved in three years for the entire children and adults with disabilities sector financed under the overall spending target (OGD), or more than 17,000 places out of 41,450. Over the same period, close on 13,500 places for an outlay of €358.1 million were effectively established and made available (7,509 for adults and 5,950 for children). Of the 10,000 ESAT places provided for under the plan and financed from State funds (programme 157), more than 5,400 places (or 54 per cent) became available between 2008 and 2010.

(b) Taking into account differences in the situation of persons admitted into ESATs

202. A new pricing policy was introduced by the Government in 2009 and continued in 2010 and 2011 in order to improve the allocation of resources to the ESATs through the establishment of a price ceiling mechanism. An interministerial order of 24 June 2011, issued on 9 July 2011, adopted in pursuance of article L. 314-4 of the Social Action and Family Code, put in place for 2011 the price ceilings and price convergence procedures of the ESATs. The aim is to iron out discrepancies in the prices charged by ESATs providing comparable services and ensure better awareness of the actual costs borne by ESATs and their funding needs, while however taking into account differences in the situation of the persons receiving care (persons suffering from cerebral palsy, victims of brain injury, autism cases and persons with physical disabilities).

(c) Retrofitting of ESATs

203. Lastly, significant steps have been taken, in partnership with the sector, to support efforts to enable ESATs to keep pace with economic constraints and developments. A report[11] sets out the main lines of a plan to support the retrofitting of ESATs. Work is currently under way under the leadership of the steering committee for the ESAT

[11] Report of November 2009 "Support of State services for the retrofitting of ESATs for their medical, social and economic functions".

adaptation and development plan, composed of the main stakeholders in the field of disability and sheltered employment.

B. Evolution of women's employment in France and its overseas departments and territories

1. Data and statistics (number of working women, occupational progression, sectors)

204. In 2010, women accounted for nearly half of the working population (47.7 per cent). The employment gap between men and women has become distinctly smaller over the past 30 years: the employment rate of women has steadily increased, irrespective of number of children, while that of men has decreased. In 2010, 66.1 per cent of women between the ages of 15 and 64 were economically active, as against 74.9 per cent of men. The employment rate was 59.7 per cent for women and 68.1 per cent for men. The gap between the employment rates of women and men fell from 27.6 percentage points in 1978 to 8.8 percentage points in 2010.

205. Although, overall, women do better at school than men and more often go on to higher education, they have more difficulties with employment. They are less often present on the labour market and more often subject to particular forms of employment (part-time) and unemployment. Women therefore earn distinctly less than men. Consequently, and also because of their non-linear career progression, they receive smaller pensions than men, but they receive them for a longer time owing to a greater lifespan. Across all sectors, there are more women employees than men holding fixed-term appointments (CDD) (10.7 per cent as against 6.5 per cent). However, there are also more of them holding open-ended appointments (CDI), as temporary employment and apprenticeships are forms of paid employment held in a very large majority by men.

206. According to a report of the Economic, Social and Environmental Council, "the rise in the employment of women during the period 1983–2002 is due essentially to the rise in part-time employment". While 30.1 per cent of female employees were working part-time in 2010, only 6.7 per cent of male employees were in the same situation. From 1980 to 2010, among women in paid employment, the proportion of those working part-time doubled, increasing from 15 per cent to 30.1 per cent (slightly below the European average). Over the same period, it increased from 2 per cent to 6.7 per cent for men. Since 1980, the proportion of women among part-time workers has remained higher than 80 per cent.

207. Nearly half of economically active women in paid employment (47.5 per cent) are office workers, while more than a third of men are labourers (33.7 per cent). In fact, 82.4 per cent of labourers are men while more than three quarters of office workers are women. Half of the positions occupied by women (50.6 per cent) are concentrated in 12 of 87 occupational groups:[12] these reveal a high proportion of women (77.5 per cent on average) and a very high number of women (516,000 women on average in each group). In comparison, the 12 top occupational groups of men account for 35.7 per cent of male employment and an average number of 218,000 men in each group. There is an increasing gender mix in certain skilled occupations, while the polarization of employment between men and women is becoming more marked in respect of unskilled jobs. Only five

[12] The nomenclature of the occupational groups derives from a combination of the Code of Occupations and Socio-occupational Categories of the National Institute of Statistics and Economic Studies (INSEE) and the directory of occupations of the National Employment Agency (ANPE). It was revised in 2009.

occupations show a "gender balance" (between 48 per cent and 52 per cent women); they account for less than 10 per cent of jobs.

208. In couples, domestic chores continue to be unequally shared. In 2010, women devoted an average of three hours and 52 minutes a day to household tasks, as against two hours and 24 minutes for men. Parental leave is taken by women in 95 per cent of cases.

2. Women in employment in Guadeloupe

209. The Act of 6 March 2000 on gender parity and the Act of 23 March 2006 on equality in the workplace are applicable throughout the overseas regions of France in the same way as in metropolitan France.

210. In Guadeloupe, of the 10,000 persons employed in the national education system, 80 per cent of posts are held by women; the situation is hardly different in public sector employment as a whole. Tourism also relies primarily on women employees. Guadeloupe is the French region with the highest proportion of women who have started businesses, with 37 per cent as against the national average of 29 per cent. It exceeds Martinique (31 per cent), French Guiana (30 per cent) and Reunion (30 per cent). The majority of businesses started by women in Guadeloupe are individual service companies (50 per cent).

3. Women in employment and education in New Caledonia

211. According to a study conducted in 2009, New Caledonian women represent 42.9 per cent of wage-earners, but the number of women wage-earners has increased more than that of men. From 1989 to 2009, the rate of employment of women in New Caledonia thus rose by seven points because of a higher level of training, the growth of the tertiary sector, increased hiring and the opening up of certain jobs to women, but also a greater desire for emancipation. Currently, 43 per cent of total jobs in New Caledonia held by women, as against 37 per cent in 1989. In addition, this increase in the proportion of women personnel has occurred evenly through the three provinces and concerns all communities, over and above disparities in ways of life. Women now represent 45 per cent of the employed population among Kanaks, 42.5 per cent among Europeans and 38.3 per cent among the inhabitants of Wallis and Futuna. The posts held by women are mainly administrative or related to education. As for senior management posts, they are chiefly held by men, with only 21.6 per cent of women managers. However, the presence of women in traditionally male sectors is tending to increase, notably in the mining, metallurgical, building and public works sector and, to a lesser extent in the agricultural sector.

C. Prevention of discrimination and promotion of diversity

1. Anonymity of job applications

212. Article L. 1221-7 of the Labour Code stipulates that in companies employing 50 persons and more, the information conveyed in writing by job applicants must be examined under conditions of anonymity.

213. An experiment, undertaken in early 2009 in some 100 large companies, ran into numerous practical difficulties. The report[13] on the experiment notes that the use of an anonymous curriculum vitae "does indeed counteract the tendency of recruiters to select applicants of the same sex or age as themselves; but as recruiters come in both sexes and as they may be young and not so young, the like-attracts-like phenomenon cancels itself out

[13] Study carried out by a research team from the Economic and Statistical Research Centre/J-PALEurope/Paris School of Economics in collaboration with *Pôle emploi*.

from one recruiter to another and the fact of keeping CVs anonymous does not, on average, improve the chances either of women or of seniors. More importantly, an anonymous CV worsens the prospects of post-immigration applicants or applicants from disadvantaged communities (ZUS or CUCS areas). Universal use of the anonymous CV does not therefore seem warranted. However, findings in respect of the like-attracts-like factor point companies in useful directions, including alerting recruiters to this hidden discrimination and diversifying CV selection officers".

214. This assessment, of which the Government has taken note, confirms how difficult it is to implement the provisions of article L. 1221-7 of the Labour Code. This being so, a further process of discussion and consultation will be needed to shed light on the choices required for the tool of the anonymous CV to be fully suited to its purpose.

2. *The "Diversity Label"*

215. The "Diversity Label" created in 2009 is designed to promote diversity and prevent discrimination in the area of human resources management. It aims to develop best practices in recruitment and occupational advancement not only in companies, but also in public services, local communities and associations deliberately and actively promoting diversity. Its purpose is the prevention of all forms of discrimination recognized by law, including therefore people's background and religion.

216. The "Diversity Label" is issued in the State's name by a third party, *AFNOR-Certification*, after consultation of a 20-member labelling commission composed of representatives of the Government, employers, trade unions, and experts appointed by the National Human Resources Association and chaired by the Director of the Reception, Integration and Citizenship Directorate of the Ministry of the Interior.

217. In March 2011, after two years of existence, 255 labels had been awarded to private and public companies and public institutions. The label concerns more than 15,000 worksites and close on 770,000 employees.

3. *Measures to combat discrimination affecting access to the civil service*

218. The principle of equal access of all to public office is laid down in article 6 of the Declaration of the Rights of Man and the Citizen, which stipulates that "all citizens, being equal in the eyes of the law, are equally eligible for all public dignities, positions and employments, according to their capacities, without any distinction other than that of their virtues and talents".

219. While not having the character of a constitutional principle (decision of the Constitutional Council 84-178 of 30 August 1984), competitive examination is considered, almost by nature, to be a method of recruitment most in keeping with the requirements of the principle of equality. Pursuant to article 16 of Act No. 83-634 of 13 July 1983 as amended, on the rights and obligations of civil servants, it is the general method of recruitment to the civil service. Observance of the principle of equality guides all the rules governing the organization of the operations that compose the competitive examination (independence of the jury, anonymity of written examinations, public nature of oral examinations, equalization system designed to ensure standard grading of examinations by examiners, etc.).

220. Various recent measures help to ensure that these major principles are more effectively observed.

(a) General revision of examination content and introduction of specific support for the preparation of competitive and other examinations

221. The purpose of the general revision of examination content is to modernize, simplify and improve the civil service recruitment procedure and allow a less academic selection of candidates, less focused on knowledge but more on skills and abilities, and open to a variety of profiles. Since 2008, 420 recruitment procedures have been reformed. At the same time, the creation and development of the recognition-of-prior-occupational-experience mechanism, established by the Act on the modernization of the civil service of 2 February 2007, has served to underscore the value of the skills acquired by personnel in the course of their careers. This mechanism is leading to the replacement of competitive examinations by new modes of selection whereby candidates can bring their professional skills and know-how to the fore. This has been introduced into 218 selection procedures (figures at end of 2011).

222. The Ministry of the Civil Service has also set up an interministerial site dedicated to competitive examinations and recruitments (SCORE), in operation since 12 May 2010, which provides full information about competitive examinations for the civil service, which is thus made more easily available.

223. The integrated preparatory classes (CPI) offer support for the preparation of one or more external civil service examinations through enhanced tuition, financial assistance and, where possible, lodging and restaurant facilities. They are intended to help students from modest backgrounds, particularly those from priority areas and job seekers.

224. Of the diversity allocations granted by the Ministry of the Civil Service each year, 29 per cent are received by CPI students (funding of 1,400 scholarships in an amount of €2.8 million for the 2011/12 school year and 1,650 scholarships in an amount of €3.3 million for the 2012/13 school year; this figure should level out at around 1,600 scholarships in an amount of €3.2 million over the 2013–2015 three-year period).

225. The 27 integrated preparatory classes, attached to most public administration schools, provide schooling for some 550 students a year. Their rate of success is encouraging and is steadily improving: 54 per cent of the students who took the competitive examination for the civil service in 2011 were successful.

226. Efforts are being made to identify ways of allowing more room in these classes for students from urban improvement neighbourhoods and making this mechanism better known to them.

(b) Category C recruitment by methods other than competitive examination (recruitment not subject to requirements of age or qualification, based on CV and interview of the candidate)

227. Firmly established in the national civil service since 2007, on the model of the other two branches of the civil service, this recruitment procedure has enabled more than 6,000 posts to be filled since its introduction. The posts concerned include the posts of administrative assistant, entrusted with administrative duties requiring knowledge and implementation of administrative regulations, but also reception desk and secretarial functions, and the posts of technical assistants responsible for manual or technical tasks and serving as drivers when they hold the appropriate permit.

(c) Charter for the promotion of equality in the civil service

228. Efforts to promote equality and social diversity in the civil service are illustrated in particular by the adoption of the Charter for the promotion of equality in the civil service, signed on 2 December 2008 by the Minister for the Civil Service and the President of the

High Authority to Combat Discrimination and Promote Equality, who has become the Rights Defender pursuant to Organic Act No. 2011-334 of 29 March 2011.

229. This Charter, applicable to the three branches of the civil service (national, regional and hospital civil service), constitutes a strong moral commitment to the values that must guide the action of administrative offices and their personnel, namely: equality, secularism, impartiality and neutrality, and the principle of non-discrimination. The content of the text is keyed to five major themes in the main fields of career advancement, recruitment by occupational area and training. In each of these fields, the Charter sets out commitments that call for specific measures of implementation, some of which give effect to guidelines already issued or currently being put in place. For example, ministries are encouraged to provide for additional modules to develop awareness of the various dimensions of action to combat discrimination and promote equality in specific training programmes for members of examination boards.

230. The Charter also stipulates that it is to be monitored within forums for social dialogue, such as the Joint Civil Service Council. Since the Charter was adopted, three reports have provided an overview of good ministerial practices and ways of improving action to promote equality. Issues of current concern are also reviewed on the occasion of annual conferences on the forward management of human resources and at meetings of the network of "equal opportunity" focal points in the Ministry of the Civil Service. Training courses on the prevention of discrimination and the promotion of equality, organized jointly by the Ministry of the Civil Service and the Rights Defender, for "equal opportunity" focal points and human resources officers in ministries, were held in 2010 and 2011.

231. Where the promotion of diversity is concerned, the National Commission for Information Technology and Liberties (CNIL), in its report of 15 May 2007 (recommendation No. 2), states that "the inclusion of questions regarding the nationality and place of birth of parents may be allowed in questionnaires addressed to enterprises or administrative offices, provided that such surveys form part of a national programme to combat discrimination, conducted by methods approved by HALDE (now the Defender of Rights) and by a statistics authority (linked to the National Council on Statistical Information) and provided that all methodological precautions are taken to ensure data protection".

232. The spring 2010 report of the Committee for the Measurement of Diversity and the Evaluation of Discrimination (COMEDD) largely reproduces the CNIL recommendations of 2007.

III. Greater flexibility to facilitate company development

A. Streamlining of administrative procedures

233. New measures have been taken to lighten the administrative burden on small companies in the social field and thus foster their development. Act No. 2008-776 of 4 August 2008 on modernization of the economy increased from five to nine the number of employees for whom small companies are eligible for assistance in fulfilling their social obligations (calculation of remuneration and total social security contributions, compulsory declarations, etc.) and established a simplified administrative procedure for employees, the *"Titre Emploi Service Entreprise"* (TESE), to replace existing mechanisms. Under the same Act, the advance ruling procedure for social security contributions *("rescrit social")*, which places relations between enterprises and social security contribution collection centres on a secure legal footing, was extended to social security and tax exemptions. Lastly, a "microsocial" regime was created to facilitate the development of self-employment through a simple declaration of activity, a flat income tax and social

security contribution rate, applicable only in cases of realization of income or turnover, and validity of payments for full discharge of liabilities.

B. Reduced payroll taxes for certain companies

234. The 2009 Finance Act renewed for three years the payroll tax exemption mechanism for clusters of related industries, or competitiveness clusters, and gradually extended the urban tax-free zone mechanism and simplified the mechanism applicable in overseas departments. Budget Reconciliation Act No. 2008-1443 of 30 December 2008 for 2008 extended the payroll tax exemption mechanism to areas affected by the restructuring of the national defence system. Decree No. 0296 of 19 December 2008 established temporary assistance for hiring in companies with fewer than 10 employees (exemption from employers' contributions for low wages under payments to newly recruited personnel in 2009). Moreover, in order to encourage employment in certain disadvantaged areas, Finance Act No. 2011-1977 of 28 December 2011 renewed the payroll tax exemption granted to urban tax-free zones while, however, giving additional weight to the obligation to recruit employees living in those zones.

235. At the same time, more specific provisions have been adopted in support of these measures. Act No. 2008-1258 of 3 December 2008 on employment earnings places employers under the obligation to negotiate wages every year in order to be eligible for a reduction in the payroll tax for low-wage workers. Similarly, Public Finance Programming Act No. 2009/12 of 9 February 2009 makes any further tax reduction, exemption or credit measure subject to a four-year time limit and the discontinuance of any existing measure for an equivalent amount. These new measures, like all those already existing, are strictly monitored according to an annual cost target, an annual review of new, changed and discontinued job positions over the year and a cost-effectiveness evaluation of each measure.

Article 7
Right to just and favourable conditions of work

236. Measures taken to improve working conditions concern the protection of forms of recruitment as part of the effort to combat structural unemployment, equality of wages, gender balance in the workplace, promotion of a better work-life balance and protection of occupational safety and health.

I. Prevention of structural unemployment

Recommendation contained in paragraph 37 of the concluding observations

The Committee recommends that the State party take all necessary measures to combat structural unemployment and to limit, as far as possible, the use of temporary employment contracts as tools to encourage firms to hire persons belonging to vulnerable groups — such as young people, single parents and persons without professional qualifications. The Committee also recommends that such contracts to be concluded only in those cases provided for by the legislation in force, and that sufficient guarantees be provided to ensure that employees recruited under such contracts are not prevented from enjoying the right to an adequate standard of living, as well as the labour rights set out in articles 6 and 7 of the Covenant.

A. Regulation of the use of fixed-term contracts (CDDs) and temporary employment contracts

237. Act No. 2008-596 of 25 June 2008 on the modernization of the labour market introduced the legislative amendments required for the implementation of the provisions of the 2008 National Cross-sectoral Agreement (ANI). These new provisions offer a reminder that open-ended appointments (CDIs) are the normal and general form of employment relationship.

238. Fixed-term contracts, like compact agreements with temporary-employment companies, remain necessary to meet temporary workforce needs. Henceforth, they are required to be more fully reported to the works council or, failing that, to staff delegates. In their annual reports, employers are required to justify the use of such compacts in the preceding year. Similarly, in outlining prospects for the coming year, they explain the reasons that might lead them to have recourse to such agreements.

239. Directive 2008/104/CE of the European Parliament and European Council of 19 November 2008 on temporary agency work establishes a legal framework for the minimum protection of temporary workers based on the principle of equality of treatment with the permanent workers of the employing companies in matters of pay and basic working conditions. France, for its part, has not needed to incorporate this directive into its legislation which, being very detailed and offering a high degree of protection, already complies with the principles it lays down. In March 2012, in accordance with the directive, the social partners were consulted on the restrictions and prohibitions on temporary employment provided for by French legislation (limits to length of contract, prohibition of dangerous work, for example). This consultation, conducted within the Committee for European and International Social Dialogue (CDSEI), revealed a consensus regarding the balanced character of French legislation on temporary work and the inadvisability of altering the restrictions and prohibitions for which it provides.

B. Regulation of internships (Act of 2011)

240. Since 2006, the practice of student internships is regulated by law so that they may not be used as alternatives to contracts of employment. The relevant Act of 2006 provides for an internship agreement and financial rewards for interns. In 2009, its scope was broadened to include public sector administrative offices and institutions.

241. Act No. 2011-893 of 28 July 2011 on the development of work-study schemes and security occupational progression, incorporating the National Cross-sectoral Agreement of 7 June 2011 regulating company internships, strengthened the existing provisions.

242. The provisions on company internships are now codified in article L. 612-8 *et seq.* of the Education Code.

243. The 2011 Act recalls the existing provisions:

- Internships are subject to a tripartite agreement between the intern, the host company and the educational institution;
- Internships must be integrated into a school or university educational programme;
- Where the internship is of more than two months' duration, the intern must receive a "financial reward";
- Beyond a rather low threshold, payroll tax is payable on such financial rewards.

244. The Act introduces the following amendments:

- Establishment of a six-month limit on an internship undertaken by the same intern in the same company in a single school year (with the exception of interns who

temporarily interrupt their studies and for internships provided for under a multi-year programme of higher education).

- The time frame for eligibility for financial reward is spelt out: two consecutive months or two non-consecutive months if the internship takes place during the school or academic year.
- Interns are eligible for successive internships in the same position only after a waiting period equal to one third of the length of the previous internship.
- Interns have access to social and cultural activities put on by the works council.
- Companies receiving interns are required to maintain an up-to-date record of internship agreements irrespective of what may be included in the official staff register.
- In companies with fewer than 300 employees, the report forwarded to the works council must show the number of interns and the internship conditions. In companies with 300 employees or more, the report must describe the internship conditions and the tasks assigned to interns.
- The full length of the internship is deducted from the trial period when the intern is hired for a post that matches the tasks that had been assigned to him. When it exceeds two months, the length of the internship is taken into account in determining eligibility for seniority rights and calculating such rights.

II. Measures taken in compliance with the principle of "equal pay for equal work"

Recommendation contained in paragraph 34 of the concluding observations

The Committee recommends that the State party take all appropriate measures — including temporary special measures, where needed — to promote equality between men and women, improve the employment rate of women, reduce wage differentials *vis-à-vis* men and increase the percentage of women in high-ranking posts, in the public as well as in the private sector.

245. Comparison of the wages of full-time workers shows that the net annual salary of women in the private or semi-public sector was 20.1 per cent less than that of men in 2009.

246. These wage differentials between men and women reflect labour market inequalities between the two sexes. These differentials are around 27 per cent across the board, the gross hourly wage differential being 14 per cent.[14] France is pursuing a proactive policy to reduce pay differentials between women and men.

247. This policy provides companies with a strong incentive for self-evaluation in respect of their wage differentials and for taking steps to improve the situation by setting targets backed by quantitative indicators. The obligation to produce a comparative status report, like the annual negotiation requirement, reflects a concern with both workplace equality and wage equality (so long as a collective agreement has not been concluded on the subject).

[14] *Source:* DARES, Analyses March 2012 "Wage differentials between men and women in 2009".

248. Since the tripartite conference on wage equality, held on 26 November 2007, the Government has continued its efforts to promote gender equality along two paths, namely:

- Support and awareness-raising for negotiators to engage in fair and serious multi-sector and multi-company negotiations in order to craft a wage differential reabsorption plan.
- Campaign to supplement these support and awareness-raising measures by monitoring company compliance with workplace equality obligations. This campaign, conducted by labour inspectorate services from the second quarter of 2008, continued in 2009 in order to maintain the engagement level of companies.

A. Consolidation of the legal framework since 2010

249. The Act on wage equality between women and men adopted on 23 March 2006 sought to reabsorb wage differentials by making it mandatory for companies and occupational sectors to design and schedule measures calculated to put an end to them, on the basis of a comparative review of the situation of women and men.

250. The legal framework for ensuring wage equality between women and men was further consolidated by article 99 of Act No. 2010-1330 of 9 November 2010 on retirement reform.

251. This Act, which entered into force on 1 January 2012, requires companies with more than 50 employees to conclude a collective agreement or, failing that, to draw up an action plan, on workplace equality between women and men.

252. Companies that do not meet this requirement are subject to a penalty payable by the employer. The amount of this penalty is set at a maximum of 1 per cent of wages and earnings paid to employees and persons treated as such during periods for which the company is not covered by the agreement or action plan. The amount is set by the administrative authority, in the light of the efforts noted in the company to promote workplace equality between women and men and the reasons for the failure to meet the requirement.

B. Overview of collective bargaining on equal pay for men and women

Table 1

Number of sector agreements (cross-sectoral, occupational, national or regional) addressing the issue of workplace equality and equal pay in relation to the total number of texts

Year	*Specific agreements on workplace equality*	*Sector agreements addressing the issue of equality*	*Number and percentage of sector agreements addressing the issue of equality*	***Total number of agreements***
2007	9	24	33 (or 3.2%)	**1 038**
2008	19	34	53 (or 4.5%)	**1 215**
2009	35	75	110 (or 9.5%)	**1 161**
2010	37	112	149 (or 12.8%)	**1 161**
2011	27	140	167 (or 13.5%)	**1 241**

Source: Ministry of Labour, Employment and Health – General Labour Directorate (BDCC).

Note: In 2007, nine specific agreements, i.e. dealing exclusively or mainly with the issue of workplace equality, were concluded. Twenty-four agreements were concluded that also incorporated this issue. A total of 33 agreements thus concerned the issue of workplace equality in 2007, or 3.2 per cent of the 1,038 sector agreements concluded.

Provisional figures at 1 April 2012.

Table 2

Number of company agreements addressing the issue of workplace equality and equal pay in relation to the total number of company agreements[(a)]

Year	*Total number of company agreements*[(b)]	*Company agreements addressing the issue of equality*
2007	20 170	854 (or 4.3%)
2008	32 555	1 580 (or 4.9%)
2009	39 944	2 150 (or 5.4%)
2010	30 939	2 438 (or 7.9%)

Source: General Labour Directorate – collective bargaining review.

[(a)] Figures based on data available at 1 April 2011. For 2008 and 2009, the number of agreements is consolidated. For 2010, the data are consolidated solely by the agreements signed in 2010 and registered only in the first quarter of 2011. There could therefore be a slight increase in the numbers noted in 2010. As regards the total number of texts signed by trade union delegates (agreements, amendments, records of disagreement, denunciations), which serves as a benchmark, the data for 2008 do not take into account multiple agreements concerning exceptional bonuses and the early release of profit-sharing entitlements. In 2009, the total number of texts takes into account a particularly high number of agreements deposited at the end of the year on the employment of seniors.

[(b)] Only company agreements or amendments to agreements dealing solely or *inter alia* with the issue of workplace equality between men and women are counted here. Some negotiations on equal pay have produced only records of disagreements, but these are no longer taken into account in the table.

C. Fair pay in the civil service

253. The general civil service statute guarantees equal pay for all personnel, irrespective of gender, at all stages in their career by virtue of a single salary scale and identical systems of allowances specific to each branch of the civil service. Income differentials still exist, however. They result in particular from a career progression involving periods of part-time employment or interrupted employment, which more frequently affect women, lower representation in middle and senior management posts (see below, section 3.2) and the granting of smaller bonuses to women (average of 17.3 per cent of women's pay in 2009, as against 32.7 per cent of men's pay).

254. Legislative and regulatory mechanisms are in place to make up for loss of earnings due to part-time work through 32/35 pay for personnel working at 80 per cent of full-time employment. Furthermore, the granting of a child subsidy in pursuance of article L. 12b of the Code of Civil and Military Retirement Pensions is intended to compensate for the occupational disadvantages resulting from an interruption or reduction of occupational activity[15] (this subsidy can be allocated both to men and to women since Act No. 2003-775 of 21 August 2003 on retirement reform, which altered the nature of family benefits served to pensioners and brought them into line with community law).

255. The results of specific studies on wage differentials between men and women in the civil service should be available in 2014.

[15] The case of interruption of occupational activity was provided for in 2003; that of reduction of occupational activity was added in 2010 (Act No. 2010-1330 of 9 November 2010 on retirement reform and decree No. 2010-1744 of 13 November 2010 for the implementation of articles 44 and 52 of that Act).

III. Promotion of a gender balance

A. Promotion of a gender balance and equality between men and women in the workplace

256. Decree No. 2011-1830 of 6 December 2011, in force since 9 December 2011, established the "contract for a gender balance in employment and workplace equality between women and men". This new mechanism merges two previously existing mechanisms. It is designed to encourage the diversification of women's employment and the advancement of women in companies with the aim of reducing workplace inequality between women and men. It is open to companies without any minimum staffing requirement to assist in financing a plan of exemplary action to promote workplace equality or job adaptation measures in fields of employment where men are in the majority, thereby helping to improve the gender balance in employment.

B. Women in senior posts in the civil service: governmental goals for balanced representation

257. Women occupied 60.5 per cent of posts in the three branches of the civil service on 31 December 2010. The proportion of women in managerial posts is 51 per cent and in senior posts 36 per cent across all three branches of the civil service.

1. Status report as at 31 December 2010

258. In the national civil service, women account for 25.2 per cent of directors. This is very small in comparison with their majority position in middle-level posts (60.3 per cent of category A civilian posts are held by women). Only 9.5 per cent of prefect posts are held by women, 17 per cent of paymaster-general posts and 14.7 per cent of ambassador posts. The proportion is largest (26.2 per cent) only in the posts of heads of unit, deputy directors and assistant directors.

259. In the regional civil service, women account for 60.5 per cent of personnel and 60.2 per cent of middle-level staff, but only one third of middle and senior management posts (less than 15 per cent women in director-general and technical service director posts). Lastly, women represent 30 per cent of regional administrators.

260. In the hospital civil service, women represent 63.1 per cent of category A personnel. They hold 45 per cent of director posts, including 40 per cent of hospital directors and 55 per cent of directors of social, medico-social and health-care institutions.

2. Establishment of quantitative, gradual targets for appointments to high-ranking posts in the civil service

261. Act No. 212-347 of 12 March 2012 on access to permanent employment and the improvement of employment conditions of contractual personnel in the civil service and action to combat discrimination, including a number of other provisions concerning the civil service, contains a series of measures in support of gender equality in government services.

262. New article 6 *quater* of Act No. 83-634 of 13 July 1983 on the rights and obligations of civil servants[16] establishes the framework for balanced gender representation in senior-level posts in the civil service. The introduction of quantitative, gradual targets for appointments, combined with financial penalties, should ensure the equal representation of

[16] Resulting from article 56 of Act No. 2012-347 of 12 March 2012.

women and men in high-ranking posts in the civil service. Appointments to senior and director posts should include at least 40 per cent persons of either sex as from 2018. This rule applies to first appointments as from 1 January 2013. The Act provides for a gradual increase in the required minimum proportion of appointments of persons of either sex: 20 per cent from 2013 and 30 per cent over the period 2015–2017.

263. The same principle of gender parity (representation of a minimum of 40 per cent of persons of either sex) is also to be applied to boards of directors and supervisory boards of public institutions (only for qualified persons), juries and selection committees, the Joint Civil Service Council and the High Councils of the three branches of the civil service, and the joint administrative commissions, in respect of representatives of government and local government services. This principle is to be implemented gradually, according to the procedures for the renewal of each body.

264. The Act of 12 March 2012 also provides for:

- An annual report to the Joint Civil Service Council on the measures taken to ensure workplace equality between men and women and an annual report to the technical committees on workplace equality between men and women, as part of the social audit report.
- Improvement of parental leave arrangements: the first year will henceforth be counted as a year of effective service during which the official will retain all his or her rights, including promotion entitlement. Seconded officers will be able to take parental leave without first returning to their original department.

265. Furthermore, under the auspices of the Minister responsible for the civil service, management representatives of the three branches of the civil service and trade union organizations representing civil service personnel began negotiations towards a four-pronged agreement on workplace equality in the civil service, focusing on: the role of social dialogue as a driver and shaper of workplace equality; improvement of the career progression of women; better work-life balance; prevention of violence against personnel in the workplace.

266. The memorandum of understanding was signed by the parties to the negotiation on 8 March 2013.

267. It is to be noted, lastly, that the Government formed in May 2012 is the first gender-balanced government of the Republic and includes a Ministry of Women's Rights; where the civil service is concerned, workplace equality has been tabled as a priority topic for negotiation. A senior official responsible for equality of rights has been appointed within each ministry.

C. Protection against sexual harassment

268. Act No. 2012-954 of 6 August 2012 on sexual harassment contains a precise definition of this offence following abrogation of the previous text by the Constitutional Council. It introduces the case of sexual blackmail and the notion of particular vulnerability or dependence of the victim resulting from a precarious economic or social situation, whether evident or known to the perpetrator. Provision has also been made for heavier penalties: a two-year prison sentence and a fine of €30,000, increased to three years and €45,000 where there are aggravating circumstances. Discrimination against a person who has been subject to or refused to be subject to harassment is punishable by law by one year's imprisonment and a fine of €3,750.

IV. Measures in support of work-life balance

269. France remains a model of society where the increased proportion of women in the working population has not had a negative impact on the fertility rate. Since 2000, the French model has been unusual: it combines one of the highest fertility rates in the European Union — 2.01 children per woman in 2011 — and a large number of women in employment.

270. Nevertheless, further measures are still needed to improve work-life balance. These will require the mobilization of three main stakeholders in order to guide the way: the State, local authorities and companies, in association with European population policy initiatives.

271. This concern is one of those being taken into account in negotiations on workplace equality between men and women; it is engaging the efforts of stakeholders nationwide, who are undertaking innovative action, financed in part by the European Social Fund or conducted under community programmes.

272. Since 2011, the Government has been rallying the social partners to join this effort. A national conference on the sharing of responsibilities at home and in the workplace was held in June 2011.

V. Ensuring occupational safety and health

A. New measures adopted since 2008

1. The Advisory Council on Working Conditions

273. The Advisory Council on Working Conditions, set up in 2009, is a national forum for consultation between social partners and the public authorities. It has taken the place of the High Council on Risk Prevention in the Workplace. Placed under the responsibility of the Minister of Labour, it helps to frame national policy on risk prevention in the workplace: it is consulted on bills and regulations for the protection and promotion of occupational health and safety and draft texts for international instruments. The Council also makes recommendations and proposes advice regarding working conditions. It is assisted by a body tasked with monitoring the harshness of working conditions in the public and private sectors.

2. Occupational health management

274. The Act of 20 July 2011 on the reform of occupational health management has a multidisciplinary focus. It is designed to address such issues as the traceability of occupational exposure and to respond more effectively to the new challenges posed by the growing complexity of occupational risk, the importance of delayed-impact risks, the detection and identification of new risks, new forms of job organization and the ageing of the working population through a multidisciplinary health service. The purpose of the overall architecture is to make time available for medical consultations and ensure the effectiveness of primary prevention.

B. Statistics on work-related accidents

1. *Evolution of the number of work-related accidents since 2006*

Table 3
Evolution of the number of work-related accidents and number of wage-earners – 2006–2010
(Annual evolution in italics)

	2006	*2007*	*2008*	*2009*	*2010*
Work-related accidents first report	700 772	720 150	703 976	651 453	658 847
	0.2%	2.8%	-2.2%	-7.5%	1.1%
Wage-earners	17 786 989	18 263 645	18 508 530	18 108 823	18 299 717
	-0.5%	2.7%	1.3%	-2.2%	1.1%
New permanent incapacity	46 596	46 426	44 037	43 028	41 176
	-10.3%	-0.4%	-5.1%	-2.3%	-4.3%
Deaths	537	622	569	538	529
	13.3%	15.8%	-8.5%	-5.4%	-1.7%
Days of temporary incapacity	34 726 602	35 871 141	37 422 365	36 697 274	37 194 643
	4.4%	3.3%	4.3%	-1.9%	1.4%
Frequency index	39,4	39,4	38,0	36,0	36,0
	0.7%	0.1%	-3.5%	-5.4%	0.1%

Source: 2010 management report of the work-related accidents/occupational illness (AT/MP) branch.
National AT/MP data from employers' pricing/prevention management system (SGE TAPR) annual bases on the nine national technical committees; not included: offices, headquarters and other particular occupational categories.

2. *Work-related accidents by sector over the period 2009–2010*

Table 4
Trend 2009–2010 per national technical committee (CTN) of number of wage-earners and work-related accidents

	Recapitulation 2009		*2010*		*Trend 2009–2010*	
National technical committees	*Wage-earners*	*Work-related accidents first report*	*Wage-earners*	*Work-related accidents first report*	*Wage-earners*	*Work-related accidents first report*
Metallurgy	1 812 729	65 649	1 745 842	63 385	-3.7%	-3.4%
Building and public works industries (not counting offices)	1 584 916	120 386	1 575 551	115 405	-0.6%	-4,1%
Transport, EGE, etc.	2 075 197	92 286	2 088 154	95 441	0,6%	3.4%
Food	2 258 112	113 228	2 292 886	113 776	1.5%	0.5%
Chemicals, rubber, plastics	445 918	12 800	433 678	12 938	-2.7%	1.1%
Wood, furniture, etc.	514 793	25 396	491 936	25 016	-4.4%	-1.5%
Non-food trade	2 276 809	54 552	2 267 866	54 736	-0.4%	0.3%

National technical committees	Recapitulation 2009		2010		Trend 2009–2010	
	Wage-earners	Work-related accidents first report	Wage-earners	Work-related accidents first report	Wage-earners	Work-related accidents first report
Service activities I	4 122 977	39 888	4 296 631	42 439	4.2%	6.4%
Service activities II	3 017 372	127 268	3 107 173	135 711	3.0%	6.6%
Total 9 CTN (not counting offices)	**18 108 823**	**651 453**	**18 299 717**	**658 847**	**1.1%**	**1.1%**

Source: 2010 management report of the AT/MP branch.

National AT/MP data from SGE TAPR annual bases on the nine national technical committees; not included: offices, headquarters and other particular occupational categories.

C. Occupational health and safety in the civil service

275. In the civil service, an agreement on occupational health and safety was signed on 20 November 2009 with the aim of renewing public sector management policy in matters of health and safety protection in order to improve the working conditions of personnel.

276. Act No. 2010-751 of 5 July 2010 on the renewal of social dialogue accordingly transformed the civil service committees on health and safety into committees on health, safety and working conditions.

277. Implementing decree No. 2011-774 of 28 June 2011[17] imposes obligations on government services in regard to the health and safety of their personnel. The aim is to move from a health and safety mechanism to an occupational health and safety mechanism focusing on people in the workplace and thereby to align more closely the health and safety protection regime in the civil service with that stipulated in the Labour Code.

278. The decree thus provides that the rules set out in books I to V of the fourth part of the Labour Code on occupational health and safety are directly applicable to government services and public institutions covered by article 1 thereof. Book VI (protection institutions and bodies) and book VII (penalties) are not applicable in the services and institutions covered by article 1 of the decree by reason of the specific nature of the civil service in coordination work and the particular needs of administrative services.

279. The decree also provides for:

- Establishment of new committees on health, safety and working conditions;
- Redesign and upgrading of the work of safety assistants and advisers;
- Improvement of the network of occupational health and safety inspectors;
- Development of occupational health services, in particular through modernization of the system of prevention, especially preventive medicine.

[17] Decree amending amended decree No. 82-453 of 28 May 1982 on health, safety and medical protection in the civil service.

Article 8
Trade union rights

280. The Government has undertaken to renew social democracy in France, as reflected in an Act of 20 August 2008, which consolidated the position of trade union organizations, placed employee representation on a more secure legal footing and reformed criteria determining the representative nature of trade union organizations. In addition, the right to strike is covered by an Act of 21 August 2007.

I. The renewal of social democracy: the Acts of 20 August 2008 and 5 July 2010

A. Consolidating the position of trade union organizations

281. The Act of 20 August 2008 incorporates the cross-sectoral joint position statement signed on 10 April 2008 by CGPME and MEDEF (employers' organizations) on the one hand, and CFDT and CGT (workers' trade unions) on the other. It gives more importance to collective bargaining by assigning greater legitimacy to the social partners and by reinforcing the legitimacy and scope of collective agreements and introduced rules for the development of trade union involvement in company life.

282. In the civil service, the scope of collective bargaining was recently broadened by Act No. 2010-751 of 5 July 2010 on the renewal of social dialogue; in addition, the Act encourages heads of service to develop this new mode of participation. However, the memoranda of understanding signed by representative trade union organizations are not legally binding on the administration and must still be incorporated into laws or regulations in order to produce legal effects.

283. Prerogatives that were previously enjoyed only by representative trade union organizations are now also extended to legally constituted trade union organizations, namely:[18]

- Constitution of a trade union section (art. L. 2142-1-1 and L. 2142-1-4 of the Labour Code);
- Appointment of a trade union section representative (art. L. 2142-1-1 and L. 2142-1-4), this new mandate being created to enable non-representative trade unions to become established in the enterprise (alongside the trade union delegate appointed by the representative trade union organizations);
- Presentation of candidates in the first round of workplace elections (art. L. 2314-24 and L. 2324-22) (the monopoly of representative trade union organizations over the presentation of candidates has been ended);
- Negotiation and conclusion of a pre-election memorandum of understanding organizing the elections (art. L. 2314-3 *et seq.* and L. 2324-4 *et seq.*).

284. The law clarifies the procedures for the representation of employees provided to a user company by a service-providing company whose rights to representation hinged on a judicial interpretation; it establishes criteria for ensuring the representation of employees provided to user companies (art. L. 2314-18-1 and L. 2324-17-1 of the Labour Code).

[18] Provided that the organization meets the requirements of respect for republican values and independence, has been legally constituted for at least two years and operates in the same occupational and geographic area as the enterprise concerned.

285. Furthermore, the practice of providing employees to trade union organizations or an employers' association is set on a sure legal footing (art. L. 2135-7 *et seq.* of the Labour Code).

B. Factoring-in of trade union responsibilities in employee career progression

286. The following provisions were introduced into the Labour Code by the Act of 20 August 2008:

- Companies must determine by agreement the measures to be taken to reconcile occupational life with a trade union career and take into account the experience acquired, as office-holders, by appointed or elected representatives of personnel in their occupational progression (art. L. 241-5);
- A three-yearly requirement is introduced for companies with 300 employees and more to negotiate the career progression of employees exercising trade union responsibilities and the performance of their duties (art. L. 2 to 4 to-20);
- The right to validation of experience relating to the exercise of trade union responsibilities is guaranteed by law (art. L. 6111-1).

287. A substantial body of case law has been devoted to the Act of 20 August 2008; the Court of Cassation has recognized it to be in conformity with the norms of international law, in particular the European Charter of Human Rights.[19]

288. In the civil service, trade union representatives are granted time off in the form of authorization of absence to serve in consultation bodies and working groups convened by the administration and to enable members to attend statutory and information meetings of trade unions.

289. Moreover, trade union organizations have a trade union time credit that allows the civil servants chosen by them to exercise, during all or part of their working hours, a trade union activity in lieu of their normal civil service activity (release from service activity and availability for that purpose).

290. All these time-off facilities are contingent on the number of personnel concerned (except for authorizations of absence, granted to representatives of personnel to attend meetings convened by the administration).

C. Reform of the rules determining the representative nature of trade union organizations

291. For it to be considered representative, a trade union organization must now fulfil all of seven combined criteria (art. L. 2121-1 of the Labour Code). These include the newly introduced criterion of audience, the lowest threshold for which is set at 10 per cent at company level and 8 per cent at the branch and cross-sectoral levels.

292. The rules governing the validity of agreements have also been amended: to be valid an agreement must have been signed by trade union organizations representing at least 30 per cent of votes and may be applied only if not opposed by organizations that have received at least 50 per cent of votes.

293. These measures are being put in place gradually, in pace with workplace elections, with an outcome that will be known at all levels, no later than August 2013.

[19] Cass. soc. 14 April 2010, Nos. 09-60.426 and 09-60.429.

294. In the civil service, criteria of representativeness were amended by Act No. 2010-751 of 5 July 2010 on the renewal of social dialogue and its implementing decrees. Any trade union organization of civil servants legally constituted for at least two years and meeting the criteria of respect for republican values and independence can now present candidates for election. An organization is no longer assumed to be representative. In addition, criteria of trade union representativeness have been laid down to determine the validity of the agreements negotiated and to grant certain trade union facilities. These criteria are now based exclusively on the results of workplace elections.

II. Framework and guarantee of the right to strike in France

295. Paragraph 7 of the preamble to the Constitution of 27 October 1946 stipulates that "the right to strike shall be exercised within the framework of the laws governing it".

A. Guarantee of the right to strike

296. In the private sector, the right to strike is governed by the following isolated texts, which do not form a comprehensive body of regulations:

- Under the general provisions, article L. 2511-1 of the Labour Code, which gives no definition of strike but stipulates that "the fact of striking shall not be a ground for terminating a contract of employment, except in cases of serious fault imputable to the employee";
- Article L. 1132-2 of the Labour Code, which provides that no employee may be penalized, dismissed or subjected to discrimination because of the normal exercise of the right to strike;
- Articles L. 1242-6 and L. 1251-10 of the Labour Code prohibiting the hiring of fixed-term and temporary personnel to replace striking employees;
- Article L. 2261-22 of the Labour Code on agreement-based settlement procedures.

297. In the public sector, article 10 of the Act of 13 July 1983 allows civil servants to exercise their right to strike "within the framework of the laws governing it". However, certain special statutes exclude from the right to strike categories of personnel entrusted with responsibilities of justice, law and order and public security (judicial court judges, police personnel,[20] personnel of external prison services,[21] etc.).

298. Furthermore, a guarantee of minimum service has been established by the French legislator in a small number of sectors in which companies, agencies and public or private institutions are responsible for the management of a public service (air navigation services,[22] audiovisual services,[23] etc.).

B. Recent legal adjustments of the right to strike

299. Two laws recently introduced adjustments into the exercise of the right to strike: Act No. 2007-1224 of 21 August 2007 on social dialogue and continuity of public services in the regular transport of passengers by land and Act No. 2012-375 of 19 March 2012 on organization of service and passenger information in passenger airline companies and measures in the transport field.

[20] Act of 28 September 1948, art. 2, para. 2.
[21] Ordinance of 6 August 1958, art. 3.
[22] Act No. 84-1286 of 31 December 1984.
[23] Act No. 79-634 of 26 July 1979 and 30 September 1986.

1. Adjustments of the right to strike in companies providing regular passenger transport by land

300. The mechanisms introduced by the Act of 21 August 2007 seek to establish an expanded social dialogue in respect of the regular transport of passengers by land so as to ensure that strike action is systematically preceded by mutual consultation. When a collective conflict becomes unavoidable, the law, while fully respecting the individual right to strike of employees, aims to ensure a guaranteed public service for users of public transport of passengers by land, particularly in terms of scheduling of traffic and passenger information.

301. These mechanisms in no way restrict the freedom of negotiation of trade unions. On the contrary, this Act largely contributes to the development of such freedom in this sector. Numerous negotiating forums have been consolidated for the social partners by the law, at the level of both the occupational sectors concerned and the companies engaged in those sectors, with a twofold aim of preventing collective conflict and ensuring the provision of a guaranteed minimum service.

302. For example, where urban public transport is concerned, 80 per cent of urban public transport companies apply the prior consultation procedure, according to data from the survey carried out by the Union of Public Railway Transport in January 2009. Thanks to this procedure, strike action has been averted in 40 per cent of cases since the Act was passed.

2. Adjustments of the right to strike in airline companies

303. The purpose of the Act of 19 March 2012 is to ensure that airline passengers are notified in advance in the event of strike action so as to avoid excessively high numbers of persons in airports, which are essentially places of transit, following flight cancellations.

304. A social dialogue mechanism has been established to prevent the use of the right to strike, modelled on that put in place by Act No. 2007-1224 of 21 August 2007. Two collective conflict settlement procedures are provided for: recourse to mediation or organization of a consultation of employees on the continuation of strike action, without the outcome of the consultation affecting the exercise of the right to strike.

305. In the event of strike action, and on penalty of disciplinary sanction, employees "whose absence is likely to have a direct effect on flight performance" are now required to inform their employers on two occasions: at least 48 hours before joining the strike and least 24 hours in advance when they have stated that they join the strike but prefer not to take strike action or when they return to work.

Article 9
Right to social security

306. France offers a high level of social protection and health protection. Over the period 2008–2011, in response to structural and economic challenges, new laws were adopted in the following areas: protection in case of illness, retirement pensions, family allowances and the financing of social security.

I. Protection in case of illness

A. Easier access to care

1. Annual check-up for 16–25-year-olds

307. Act No. 2009-879 of 21 July 2009 on hospital reform, with reference to patient care, health coverage and the regions, has established an annual check-up by a general practitioner for persons aged between 16 and 25. For this, no advance payment is required from those concerned.

2. Total or partial exemption from co-payment

308. Act No. 2009-1646 of 24 December 2009 on the financing of social security for 2010 extended the total or partial exemption from co-payment enjoyed by persons suffering from a long duration disease to follow-up treatment and examinations during periods of remission.

3. Guaranteed access to supplementary health insurance for persons of low income

309. To help persons of low income to acquire supplementary health insurance, Act No. 2011-1906 of 21 December 2011 on the financing of social security for 2012 raised the resource ceiling for entitlement to such insurance from 26 per cent to 36 per cent above the ceiling for universal supplementary health-care coverage (CMU-C). This funding mechanism, which defrays approximately 50 per cent of the cost of private individual supplementary insurance coverage, is designed for persons whose income exceeds the ceiling for free universal supplementary health-care coverage while being insufficient to pay for private supplementary health insurance.

B. Control of health expenditure

1. Tighter control over annual expenditure

310. The national goal for health insurance expenditure entails a gradual tightening of control over mounting annual expenditure: +3.0 per cent in 2010, +2.9 per cent in 2011. This tighter control is offset each year by new measures to control expenditure (lowering of charges for certain medical acts, drugs and products, other measures in respect of health-care professionals, an end to the refunding of drugs that have ceased to provide effective treatment, etc.).

2. Lowering of the ceiling for the calculation of daily benefits

311. The ceiling for the calculation of daily sickness benefits was also lowered by Act No. 2011-1906 of 21 December 2011 on the financing of social security for 2012: the basic wage used to calculate such allowances is now taken into account within a limit of 1.8 times the minimum wage (SMIC) instead of the "social security ceiling".

II. Retirement pensions

A. The 2008 reform of the pension scheme

1. Measures to encourage workers to retire at a later age

(a) Introduction of a financial penalty for companies

312. The Social Security Funding Act for 2009 advanced the debate on the employment of older persons in companies with more than 50 employees and introduced a financial penalty in the absence of an agreement or plan of action in 2010 (1 per cent of the pay or income concerned to the National Old-age Insurance Fund).

(b) Tightening of conditions for early retirement and for obtaining a waiver from the requirement to seek employment

313. Conditions for early retirement after long service have been tightened (periods for which catch-up contributions have been paid being no longer taken into account). Methods for the calculation of the minimum contributory pension have been adjusted (minimum period of contributions and, for new pensions starting in 2011, other pensions received being taken into account). Furthermore, Act No. 2008-758 of 1 August 2008 on the rights and duties of job-seekers gradually tightened the conditions for a waiver from the requirement to seek employment granted to older job seekers (the age condition being raised from 57.5 to 60 years in 2011), which was then abolished in 2012.

(c) Greater flexibility in possible work/retirement combinations

314. The Social Security Funding Act for 2009 and decree No. 2008-1515 of 30 December 2008 introduced greater flexibility into possible work/retirement combinations. It is possible to combine work with retirement, including for the last employer, provided that all retirement benefits are fully paid up. The possibility for an employer to require an employee to retire before the age of 70 has been abolished. The "bonus" (increase in the pension benefit according to continuing occupational activity beyond the period of insurance required for a full pension) has been upgraded to 1.25 per cent for each additional three months of contributions.

2. Measures of solidarity with those receiving the smallest pensions

315. The Social Security Funding Act for 2009 introduced measures of solidarity with retirees receiving the smallest pensions. Between 2007 in 2012, it upgraded by 25 per cent the older persons solidarity allowance for persons living alone, it increased reversion pensions for small pension holders and raised the level of small agricultural pensions.

B. The 2010 reform

1. Continuation of measures to extend the period of working life

316. The 2010 reform, put in place by Act No. 2010-1330 of 9 November 2010 on pension reform, sought to address the structural deterioration of the pension system (lowering of the population ratio because of higher life expectancy and the fact of the post-war baby-boom generation reaching retirement age) momentarily exacerbated by the brutal shock of the financial and economic crisis. The reform introduced three measures to extend the period of working life:

- Gradual raising by two years of the legal age of entitlement conditional on the length of period of insurance, increased from 60 to 62 years in 2018.

- Gradual raising likewise by two years of the age for obtaining a full pension not conditional on the length of period of insurance, increased from 65 to 67 years in 2023.
- Continued pegging to gains in life expectancy of the length of period of insurance required for a full pension, in accordance with the principles set out in the 2003 reform. The period of insurance is increased from 40 years for the generation born in 1948 to 41.25 years for the 1953 and 1954 generations and will continue to keep pace with gains in life expectancy.

317. As from 1 July 2011, these measures are applicable to all categories of work (private sector employees, public officials, persons employed under special schemes and self-employed workers). However, the reform takes into account the specific features of certain careers. The possibility of early retirement, open to "long-serving" employees (early start to working life and long contributory period), is extended — under strict conditions as to length of contributory service — to those who started working before the age of 18 in order to take account of the higher age for entering the job market.

2. *Greater public/private sector equity*

318. The 2010 reform continued to promote greater public/private sector equity by harmonizing certain rules, namely: abolition of the possibility of early retirement for parents of three children with 15 years of effective employment in the civil service; discontinuance of the gradual cessation of work mechanism in the civil service; gradual alignment of the contribution rate of public employees with that of private sector employees (increasing from 7.85 per cent to 10.55 per cent); closer alignment of the guaranteed minimum rules[24] applicable to public employees and the minimum contribution rules[25] applicable to the private sector.

3. *Gender inequality and the increase in three-month multiples per child*

319. In order to comply fully with the principle of equality between men and women, the Social Security Funding Act for 2010 revisited the 8×3 months increase per child in the period of insurance formerly reserved for wage-earning mothers. This is now replaced by two 4×3 months increases each, one granted to mothers on the birth of each child and the other to parents (the chosen parent or shared between the two) for the raising of each child born or adopted after 1 January 2010. Interim measures are applicable to births or adoptions prior to that date.

4. *A reform so designed as not to penalize growth and employment*

320. Targeted revenue measures have been preferred to a generally applicable increase in deductions so as not to penalize growth and employment. Accordingly, for households:

- The highest rate on the graduated income tax scale has been increased by one point (from 40 per cent to 41 per cent);
- Capital earnings have been included in the equation: one point increase, from 18 per cent to 19 per cent, in the one-time fixed rate of income tax applicable to interest and dividends and in the proportional tax rate for capital gains.

[24] Minimum amount of pension to be paid to a public employee who has reached pensionable age pursuant to article L. 17 of the Civilian and Military Pensions Code.

[25] An increase whereby the calculated amount of basic pension, paid at the full rate, is raised to a minimum amount, which may, where appropriate, be increased by virtue of periods of contributory service.

321. The Social Security Funding Act for 2012 of 21 December 2011 speeded up the timetable for the raising of the legal age of retirement provided for by the 2010 Act. The pensionable age of 62 and the discount cancellation age (or full pension age) of 67 will be applicable starting with the 1955 rather than the 1956 generation. To that end, the staggered increases in age, initially set at four months per generation, are increased to five months. Other parameters of the reform remain unchanged during the reference period.[26]

III. Family allowances

A. Establishment of the High Family Council

322. Established by decree of 30 October 2008, this body is tasked with stimulating public debate on family policy, formulating opinions and recommendations and proposing reforms in the matter of family allowances and reviewing the financial balance of the family support sector in the light of social, economic and population change. It is composed of representatives of the social partners, families, local authorities, the State, social security funds concerned and qualified persons.

B. Improvement in the provision of infant care services

323. The Social Security Funding Act for 2009 improved the supply of infant care services: the added service of "Free choice of mode of care", which helps to cover the cost of a "child-minder" or home care now takes into account irregular timetables of parents (about 14 per cent of the families concerned) and child-minders are authorized to look after four children in their homes instead of three as previously. They may also mind children in places other than their home on the basis of an agreement with the family allowance fund and the local authority.

324. Furthermore, the Social Security Funding Act for 2012 raised the calculation ceiling for this benefit to make it more favourable for single or disabled parents. It also raised the amount of assistance paid for family support by the family allowance funds in cases of the non-payment or partial payment of child maintenance.

C. End-of-life support

325. Act No. 2010-209 of 9 March 2010 on the establishment of a daily allowance for end-of-life support overhauled the family solidarity leave mechanism in labour legislation so that it may be used more easily and more widely. Workers may now avail themselves of this leave in order to interrupt or reduce their work activity and provide home support for a person in an advanced or terminal phase of a serious, incurable disease, irrespective of its cause. Most importantly, the Act provides for an allowance for a period of three weeks during such leave. The daily amount of the allowance is comparable to that of the parental presence allowance granted in the case of serious illness of a child. This allowance is financed and served by the general health insurance scheme.

[26] Past that period, and without changing the parameters of the 2010 reform, the new Government installed in May 2012 took steps in July to broaden the rules for the maintenance of early retirement at the age of 60 for persons having served long periods of employment and to provide the necessary funding.

IV. Social security funding

Allocation of new resources for social security funding

326. New resources have been allocated to social security by the annual Social Security Funding Acts. In 2009, social charges were levied on all director retirement benefits ("golden handshakes" in an amount exceeding €1 million). A 2 per cent contribution payable by employers, known as the *"forfait social"* and levied on their corporate employee savings and additional retirement contributions, was assigned to health insurance. The 2 per cent rate was increased to 4 per cent in 2010 and 6 per cent in 2011, with a broadening of the calculation base. The tax on the turnover of extended health-insurance bodies used for the financing of extended universal health-care coverage also finances assistance for the purchase of supplementary health coverage. To that end, the tax rate was increased from 2.5 per cent to 5.9 per cent.

327. In 2010, a specific 30 per cent wage-based social charge on gains and distributions resulting from membership shares, stocks or subordinate payment rights, when such distributions and gains are taxable as wages, was introduced. Capital gains and membership rights are now subject to social charges starting from the first euro. In 2011, voluntary severance pay under collective agreements on the forward management of jobs and competencies and the financial and other benefits extended to employees by persons other than their employers were made liable for social contributions and charges. In conjunction with the efforts required in the matter of pensions, the employer contribution base for top-up pension plans was broadened and recipients are levied an amount ranging from 7 to 14 per cent according to the amount of the pension, increased to a range of 7 to 21 per cent in 2012. The contribution rate applied to stock options and to free share allotments was increased from 10 to 14 per cent for employers and from 2.5 to 8 per cent for employees.

328. Budget Reconciliation Act No. 2011-1117 for 2011 of 19 September 2011 provided for greater effort in respect of capital income: the social charge on property income and investment income was increased from 2.2 per cent to 3.4 per cent. It also increased the specific tax on private supplementary health insurance contracts which was raised, according to their degree of "solidarity and responsibility", to 7 or 9 per cent. The Finance Act for 2012 of 28 December 2011 introduced new taxes on beverages containing added sugar or synthetic sweeteners. In the same year, the Social Security Funding Act for 2012 of 21 December 2011 increased the tax on alcoholic beverages. It also broadened the contribution base for the general social tax and the contribution for social debt repayment by abolishing or reducing certain fixed-rate deductions on wage supplements and lowered the exemption limit for indemnities in cases of termination of employment contract and forced removal from corporate officer positions. In addition, it reintroduced overtime into the calculation of general reductions in contributions on low wages.[27]

[27] It is to be noted that, in the budget reconciliation bill for 2012, reviewed by Parliament in July 2012, the new Government included a provision for the abolition of exemptions from social charges and contributions for the payment of overtime in companies with 29 employees and more.

V. Non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Recommendation contained in paragraph 53 of the concluding observations

The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

329. France is one of the few countries of the European Union to have ratified the European Convention on the Legal Status of Migrant Workers of 1983, prepared under the auspices of the Council of Europe.

330. Nevertheless, France has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990, which entered into force on 1 July 2003. There are several difficulties that currently prevent France from subscribing to the provisions of that Convention, particularly the lack of distinction between lawful immigrants and unlawful immigrants. France is combating unlawful immigration and illicit employment, in the very interest of migrant workers.

331. Furthermore, as the provisions of the Convention fall in part within the jurisdiction of the European Union, member States no longer have the right to accede to it unilaterally. For this reason, to date, no State member of the European Union has signed this Convention.

332. It should be stressed, however, that French domestic law already protects the rights of migrant workers. Documented persons thus enjoy national protection similar to that provided for by the Convention. In addition, the rights of undocumented migrant workers are not disregarded in so far as the fundamental rights of such persons are guaranteed under the European Convention on Human Rights and other international human rights instruments or specific instruments on the rights of workers to which France is a party, such as for example International Labour Organization (ILO) Convention No. 97 of 1949 on migrant workers.

333. Lastly, France actively supports the work of the International Organization for Migration (IOM), particularly on issues of human rights violations in the context of migrations. France also participates actively in the Global Forum for Migrants and the Global Forum on Migration and Development.

Article 10
Protection of the family, mothers and children

334. All the family policy measures taken since 2007 have had a dual objective: to ensure the sustainability of a model that makes family policy in France among the most generous in Europe and at the same time to adapt mechanisms for assistance and support to the changing configurations of family life.

I. Protection of families

A. French family policy

335. Notwithstanding present-day budget constraints, family allowances and other pro-family expenditure in France amounted in 2010 to more than €100 billion a year, or 5.2 per cent of gross domestic product (GDP), as against the European average of 2.5 per cent.

1. Parent support

336. The system of family allowances has been improved and simplified. The back-to-school allowance (ARS) is now pegged to the children's age and young adults up to the age of 20 are covered for family allowances and up to the age of 21 for the family income supplement and housing allowances. Family allowances have been increased from the age of 14.

337. In addition, a real parent support policy has been put into effect, with a €10 million budget in 2012. Several measures have also been taken to protect children from the dangers of the Internet: a toll-free family helpline, aimed particularly at parents, has been put into operation ("*Net Ecoute* 0800 200 000"). An information and counselling website, *Info.familles.netecoute.fr*, developed on the basis of questions put by parents is also frequently updated. For matters relating to adoption, a guide for parents who wish to adopt a child has been prepared and will soon be disseminated. Furthermore, benchmarks for information and approval with a view to adoption were communicated to all departments in spring 2011. Lastly, work is under way to promote State adoption, particularly the placing of special needs children in State care.

2. Assistance to families and children in situations of poverty

338. Steps have been taken to improve the situation of single-parent homes, directly in line with the recommendations of the High Family Council, in particular by setting a specific resource ceiling increased by 40 per cent to benefit from the maximum amount of the child care supplement (CMG) and raising the family support allowance (ASF). A "child and family" card has been introduced for the lowest-income families, allowing them to benefit from reductions for rail travel. Infant care is also a priority, reflected in the creation between 2009 and 2012 of nearly 200,000 additional care places, for the huge sum of €1.3 billion.

B. Child protection

1. Reform of the Act of 5 March 2007

339. Act No. 2007-308 of 5 March 2007 stipulates that "the goal of child protection is to avert the difficulties that parents may encounter in the exercise of their child-raising responsibilities and to assist families".

340. Since the adoption of the Act of 10 July 1989 on the prevention of ill-treatment, which established the national call facility for abused children, there has been no major reform in this area.

341. This reform of child protection has focused on three areas: prevention, detection and reporting of children in danger; improved child care; and action for family support. In all these areas, initial and continuing training of personnel responsible for or contributing to the protection of children has improved.

342. For the first time, a legislative text sets out the goals and proposes a definition of child protection. This is very comprehensive, ranging from the prevention of difficulties

that parents may encounter in the exercise of their parental responsibilities to placement in foster care.

(a) Increased prevention

343. Prevention is based on mother and child protection, which is assigned a far more important role than previously in social and medico-social prevention, and on school medical care.

344. Key moments in prevention are identified during the perinatal and childhood period. The law thus requires an interview with a psychosocial counsellor during the fourth month of pregnancy; it also provides for home support for pregnant women, medico-social and follow-up visits for parents during the post-natal period, organized in consultation with the attending physician or hospital services, at the maternity clinic or at home.

345. The medical monitoring of children has been stepped up. Medical check-ups for all children between the ages of three and four have become the rule, particularly in the context of nursery school. On that occasion and at the time of preventive medico-social home visits, the mother and child protection service contributes to the prevention and detection of physical, psychological, sensory and learning disorders among children under the age of six. In addition to the medical visit already required for children in their sixth year, three further medical visits are scheduled for their ninth, twelfth and fifteenth year which include a full physical and psychological check-up. These visits form part of school medical care, but parents nevertheless retain the possibility of consulting private physicians.

(b) Improvement of the warning, reporting and evaluation system

346. *The reporting unit:* Action to improve the warning and reporting system entails the establishment in each department of a unit responsible for collecting, processing and evaluating worrying reports of minors at risk or potentially at risk. The aim is to obtain a cross-view of the situation and to facilitate joint analyses.

347. The worrying reports collected, stored and used only for the purposes of child welfare work are transmitted under cover of anonymity to the departmental monitoring service for child protection established by law and to the National Monitoring Service for Children at Risk (ONED).

348. *Coordination of the various services:* In order better to coordinate judicial protection with the social protection implemented by the departmental authorities *(conseils généraux)*, the law has laid down precise criteria for referral to the judicial authority: where measures taken for the purposes of social protection have not sufficed to resolve the risk; where such measures cannot be put in place because of the family's refusal of the involvement of the child welfare service and its incapacity to collaborate with that service; and, lastly, where it is not possible to evaluate the situation and the minor is presumed to be at risk.

349. In all cases, the president of the *conseil général* is required to inform the public prosecutor of the measures already taken, where appropriate. In return, the public prosecution service notifies the president of the *conseil général* at the earliest opportunity of the action taken on the matter referred to it.

350. *Sharing of information:* By derogation from article 226-13 of the Criminal Code, persons implementing child protection policy or who contribute thereto are authorized to share among themselves secret information for the purpose of evaluating an individual situation and determining and implementing protection and assistance measures that may benefit minors and their families. In such cases, parents and the child, according to his or her age and maturity, are suitably informed beforehand, unless such information is contrary to the interests of the child.

351. *The departmental monitoring service:* A monitoring service working in association with the National Monitoring Service for Children at Risk is established in each department. Placed under the authority of the president of the *conseil général*, it includes, in addition to the local government services and representatives of the judicial authority, all the State services concerned with child protection and representatives of child protection institutions and associations. It is tasked in particular with gathering, reviewing and analysing data on children at risk in the light of the anonymous information transmitted by the reporting unit and monitoring the implementation of child protection policy in the department.

352. Lastly, the Act seeks to improve the child protection training of professionals, as well as of local government officials who are required to take decisions in that area.

(c) Diversification, modes of intervention and renewal of relations with parents and children

353. New child-care options are finding a place in positive law. They offer a way out of the alternative of home care and child placement and reflect a new approach to family support.

354. Day care, non-residential educational support, is provided either at the request of the parents on the decision of the president of the *conseil général*, or on the decision of the courts. In the first case, this is a new child welfare service. In the second case, an intermediate arrangement is made available to the court, in between non-institutional educational assistance (AEMO) and removal of the child from his or her family environment.

355. Exceptional, periodic care is treated by the courts as a particular form of AEMO. It is accordingly intended for children under a home protection measure. The AEMO services can provide exceptional or periodic housing for minors provided that they are specifically authorized to do so and that, when they shelter a minor, they promptly inform his or her parents, the juvenile court judge and the president of the *conseil général*. This option can also be used in the context of social protection: the temporary care provided may be on a full-time or part-time basis and may be adapted to the needs of the minor, particularly his or her emotional stability.

356. Specialized care may develop under the umbrella of family care or of an experimental institution or service. It offers a means of providing minors in particular difficulty with a combination of shelter, socio-educational support and therapeutic care.

357. Emergency care offers to minors who have left the family home and are in a situation of immediate danger or where there is a suspicion of such danger the possibility of being taken into care by the child welfare service, as a preventive measure, for a maximum of 72 hours, without the parents' permission. The parents must, however, together with the public prosecutor, be promptly informed of this measure. At the end of this period, two solutions are possible, if the child has not been able to be returned to his or her family: admission into the child welfare service if the parents give their agreement or, failing that, referral to the judicial authority.

358. Budget support for families has been redesigned: a new ASE home service has been established in the form of advice on the handling of finances and household economics. In addition, the guardianship arrangement for child benefits (TPSE) has been improved, with the provision of assistance in family budget management by order of a judge.

359. Relations with families have been placed on a new footing. Parents are required to be informed both when a child is reported and when he or she is taken into care, unless this goes against the interest of the child (art. 18, art. L. 223-5 of the Social Action and

Family Code). They are given a greater part in decisions concerning them: they may be accompanied by a person of their choosing in their dealings with the child welfare service and with the institution where their child has been placed. Moreover, they help to design a plan for the child's future.

360. In addition, the rules applicable to visiting rights and custody and to modes of exercise of parental authority have been adjusted. Thus, for example, when a judge removes a child from his or her family, he may allow visiting rights to the parents only in the presence of a third person: mediated visits are thus established by law. The judge may also decide, if the interest of the child so requires or in case of danger, that the place where the child is being kept will not be identified. Conversely, if the situation permits, the judge may decide that the conditions governing the exercise of visiting rights and custody shall be determined jointly between those vested with parental authority and the institution where the child has been placed; this agreement is recorded in the plan for the child's future.

2. *Data on children*

(a) Beneficiaries of departmental social welfare in 2010

361. According to a survey conducted by the Ministry of Social Affairs and Health on beneficiaries of departmental social welfare in 2010,[28] 291,300 child welfare (ASE) measures were reported in that period, as follows: 146,200 children taken into ASE care, predominantly by order of a judge, and 145,157 educational assistance measures (AEMO and AED).[29] This distribution has remained stable since 2003.

Table 5

	2007	*2008*	*2009*	*2010*
Children taken into care	141 407	142 404	144 446	146 180
Educational assistance	142 116	143 160	144 090	145 157

(b) Report of the National Monitoring Service for Children at Risk (March 2012)

362. The seventh annual report of the National Monitoring Service for Children at Risk[30] (March 2012) provides further quantitative information on children at risk. It reveals in particular that minors are slightly more frequently subject to non-institutional educational assistance measures than to placement measures, whereas for young adults placement measures account for more than 80 per cent of measures.

(c) Analysis of calls received by "Children at risk" (2010)

363. Lastly, analysis of calls received at telephone number 119 "Children at risk" shows for 2010:

- 2,760 calls received reporting a family dispute with violence involving 5,564 children;
- Identical boy/girl distribution:
    - 70 per cent involving psychological violence;

[28] *Etudes et résultats* No. 787, January 2012 (http://www.sante.gouv.fr/IMG/pdf/er/787.pdf).

[29] AEMO: Non-institutional educational assistance measures; AED: home educational assistance measures.

[30] http://oned.gouv.fr/docs/production-interne/rapports/rapport%20oned%202011_v13.pdf.

- 14 per cent involving serious negligence;
- 9 per cent involving inadequate care; and
- 1 per cent involving children placing themselves at risk.

364. Implementation of decree No. 2011-222 of 28 February 2011 on the transmission of anonymous information to departmental monitoring services for child protection and to the National Monitoring Service for Children at Risk will in due course (information to be received for the first time in 2012) lead to more precise knowledge concerning children at risk and the nature of the risk (see above the 2011–2013 plan to combat violence against women, which includes action to quantify the phenomenon of children exposed to partner violence).

II. Efforts to combat domestic violence

Recommendation contained in paragraph 39 of the concluding observations

The Committee recommends that the State party adopt specific legislation criminalizing acts of domestic violence. The Committee further recommends that the State party increase its efforts to raise awareness of the seriousness of this offence and the mechanisms available to victims of domestic violence, in particular by directing its awareness campaigns to the most vulnerable groups of women, including those coming from non-European countries and those with a low level of education.

A. French legislation offering protection against domestic violence

The concept of violence in French law

1. Difficulty of introducing domestic violence as an autonomous offence

365. Under French law, the fact that the perpetrator of a criminal offence (rape, murder, etc.) forms part of the family circle of the victim is considered to be an aggravating circumstance. There is not, however, in the French Criminal Code an autonomous, general offence of "domestic violence". If such an offence were to be introduced, that would create problems of legal architecture and coherence. In French law there are many offences that cover "domestic violence". These include violence with more than eight days' total interruption of work; with less than eight days' interruption; without interruption of work; with permanent invalidity, etc. It would therefore be necessary to group together all domestic violence offences, but legal parallelism would then require that the same reasoning be applied to racial violence, violence against vulnerable persons and, for example, violence against public officers. However, the French Criminal Code is designed primarily with reference to the components of infractions without account being taken of what is being protected (damage to property, violation of the person, sexual abuse) and not in accordance with the status of the victim or of the perpetrator, which in French law is taken into account as an aggravating circumstance applicable to multiple offences.

366. Lastly, it is not easy to introduce into the normative order the concept of family under French criminal law, given that the Constitutional Council, by its decision of 16 September 2011 (QPC 2011 163) suppressed a law introducing incest into the Criminal Code (art. 222-31-1: rape and sexual aggressions are characterized as incestuous when committed within the family upon the person of a minor) on the grounds that the concept of family was not sufficiently precise. Moreover, if the Committee in fact meant by

"domestic violence" "conjugal violence", it should be stressed that the latter is already amply covered by legislation, which guarantees the protection of the persons concerned.

2. *A legislative arsenal that still protects*

367. Since 1992, France has passed a number of specific laws to combat violence against women. Previously, apart from some provisions on moral standards, there was no law dealing specifically with violence against women, which was prosecuted under general provisions on assault and battery.

368. With regard more particularly to spousal violence, since 1994 the seriousness of this kind of violence has been recognized by the Criminal Code, which sets out as criminal offences a number of acts of violence punishable by an aggravated penalty when committed by a spouse or common-law partner. Since that time, civil and criminal law measures against spousal violence have been stepped up by some 10 pieces of legislation.

369. The most recent legislative measures adopted in this regard are as follows:

- Crime Prevention Act No. 2007-297 of 5 March 2007 provides for increased social and judicial supervision and an order to undergo treatment for perpetrators of spousal violence or violence against children. The Act also clarifies the cases in which medical secrecy can be lifted in the event of violence against minors or vulnerable persons.
- Act No. 2007-1198 of 10 August 2007 on stronger measures to combat repeated offences by adults and children stipulates that, from 1 March 2008:
    - All sentences to social and judicial supervision will include an order to undergo treatment, once an expert assessment of the convicted person has concluded that psychiatric or psychological follow-up is possible;
    - Where a sentence to one year's imprisonment is a suspended sentence with probation for offences for which social and judicial supervision is required (as in the case of spousal violence), the convicted person is ordered to undergo treatment, unless otherwise decided by the trial court.
- Act No. 2007-1631 20 November 2007 on immigration control, integration and asylum extends to foreigners the provisions for the protection of spouses who are victims of spousal violence: the spouses of French citizens who hold a temporary residence permit "for private and family life" and are victims of spousal violence no longer have to give up their residence permit in the event of a breakdown of marital life, irrespective of whether the breakdown of marital life has been decided by the victim or by the perpetrator of the violence.
- Act No. 2010-769 of 9 July 2010 on violence specifically against women, spousal violence and the consequences of such violence for the children has three main parts:
    - Greater protection for the victims of violence, whatever its nature;
    - Prevention of such violence;
    - Increased punishment for the perpetrators of violence against women.

370. The various measures taken include the following:

- Introduction of a key measure, "protection order for victims of violence", which may be issued by a family court judge as a matter of urgency when spousal violence occurs or when a person is under threat of enforced marriage. Such cases may be referred to the family court judge by the victim, assisted as necessary, or, with the

victim's agreement, by the public prosecution service. The order is decided after hearing of the parties by the judge, if the judge considers in the light of the evidence produced before the court and following cross-examination, that there are serious grounds for suspecting that the alleged acts of violence have been committed and that the victim is in danger.

Once this order has been issued, emergency measures can be taken without having to wait until the victim has lodged a complaint. These measures include:

- Eviction of the violent spouse from the conjugal home (this applies to married couples, but also to civil-union partners and common-law spouses);
- Consideration of the situation of children exposed to such violence through the adoption of provisional emergency measures in regard to the exercise of parental authority and attribution of use of the conjugal home.

This protection order is applicable for four months, with the possibility of renewal in cases where the victim files an application for divorce or for a judicial separation. It is also open to persons who have attained their majority and are under threat of enforced marriage.

- Wearing of an electronic bracelet for three years as a trial measure in certain departments to monitor the effectiveness of the removal of the violent spouse (150 bracelets in three courts, with possible general use countrywide).
- Creation of an "offence of psychological or mental violence".
- Establishment of a framework for the possible use of criminal mediation, the victim being presumed not to consent thereto when covered by a protection order.
- Extension of the offence of habitual violence to include conjugal violence.
- Suppression of the presumption of marital consent to the sexual act in the case of spousal rape.
- Establishment of an aggravating circumstance in cases of violence exercised to enforce marriage.

B. National plans to combat domestic violence

371. The 2008–2010 second plan to combat violence raised awareness of the phenomenon of children exposed to spousal violence.

372. The 2011–2013 third plan to combat violence against women has a focus on children, providing in particular for the following measures:

- Quantifying the phenomenon of children exposed to spousal violence;
- Training of professionals to recognize spousal violence as a risk factor for children and to respond to the need to provide care for them by developing and updating information kits and training modules for child protection professionals;
- Ensuring that parents who have perpetrated acts of violence meet with children in safe places established and developed on a lasting basis;
- Undertaking an expert assessment of the desirability of compulsory reporting to the departmental unit responsible for collecting, processing and evaluating worrying information whenever law enforcement services are required to deal with cases of domestic violence.

373. Lastly, the Minister for Women's Rights will be setting up before the end of the year a national monitoring service for violence against women which will be required not only

to investigate and analyse such violence, but also to coordinate the measures taken at the regional level, pursuant to the Act of 9 July 2010, to develop prevention and protect and support victims.

C. Call for projects by the National Fund for Child Protection

374. Furthermore, following the call for projects by the National Fund for Child Protection, 48 projects were selected in June 2011 (to receive funding of €50,000 a year for the period 2011–2013), of which three related to the subject of domestic violence. These include, for example, the organization of a meeting place with monitored visits, prompt educational and psychological care through networking and link-ups of children who have been exposed to spousal violence in the home and repeated counselling of young people who have severe relationship problems with their parents, in order to respond to moments of domestic crisis and thereby avert the perpetuation of violent relationships.

D. Raising public awareness

375. The Committee recommends that efforts be increased to raise awareness of these offences and inform victims of the mechanisms available to them.

376. A guide to public policy regarding spousal violence was updated in November 2011. This detailed guide, posted on the intranet site of the Ministry of Justice, is made available to the professionals concerned in order to help them better support the victims of conjugal violence. International Women's Day, on 8 March 2012, provided an opportunity to publicize this updated guide.

377. In addition, various outreach operations, conducted both by the public authorities and by voluntary or private sector actors, are aimed at making all citizens aware of the magnitude of the phenomenon of violence against women.

378. The 2011–2013 third interministerial plan to combat violence against women includes three public information campaigns. Specific information is provided on the national helpline for women victims, 39 19 – *Violences conjugales Info*.

379. The issue of violence against women is also very present in French Polynesia where one woman in four is a victim of violence (as against one woman in 10 in metropolitan France). In 2007, the number of complaints of such violence increased by 30 per cent over the previous year. On the occasion of the International Day for the Elimination of Violence against Women, all partners involved in the care of battered women participated in a voluntary sector forum on the issue of informing women about conjugal violence. Furthermore, a public communication campaign was organized in 2011, with the establishment of emergency helplines and a guide to good practices drafted by the Office of Women's Affairs, setting out the possibilities of care and accommodation, legal assistance mechanisms and legal, medical, psychological and social support.

Article 11
Right to an adequate standard of living

380. The French Government is particularly attentive to the living conditions of the country's inhabitants. Its efforts are focused on improving the active solidarity income (RSA) system and implementing the right to housing more forcefully. These efforts, outlined in this report, will be carried forward by a multi-year plan to combat severe poverty, officially adopted on 21 January 2013 at the meeting of the Interministerial Committee against Exclusion. Reforms were recommended in three directions: reducing inequalities and preventing people from dropping out of the system; providing assistance

and support for integration; and supporting public policy while valorizing those tasked with putting it into effect.

I. Income support

Recommendation contained in paragraph 40 of the concluding observations

The Committee recommends that the State party strengthen its efforts to combat poverty, including by extending the *revenu de solidarité active* (RSA) at present being tested in 34 departments with the objective of replacing some of the *minima sociaux*, namely the minimum-income allowance (RMI, or *revenu minimum d'insertion*), the single-parent benefit (API) and the employment bonus (PPE), to other departments. The Committee further recommends that the State party monitor the implementation of the measures adopted with a view to ensuring that the needs of the very poor are addressed effectively.

A. The goals and recipients of income support (RSA)

381. Established by Act No. 2008-1249 of 1 December 2008 on the general application of income support and the reform of integration policy, RSA came into force on 1 June 2009 in metropolitan France, on 1 January 2011 in the overseas departments and communities (with the exception of French Polynesia, New Caledonia and Wallis and Futuna where it is not applicable) and on 1 January 2012 in Mayotte (under specific conditions).

382. RSA has replaced the minimum-income allowance (RMI), the single-parent benefit (API) and the various back-to-work incentive mechanisms (such as the employment RSA).

383. For jobless persons, the "base" RSA is a minimum income, while for persons with a job, the "employment" RSA is an income supplement. It is thus a flexible benefit that puts an end to the compartmentalization of the different mechanisms and fills the gaps. RSA is designed both as a means of ensuring that it pays to go back to work and as a tool for combating poverty.

384. In June 2011, this kind of income support was provided to 1.9 million households. Of these, 1.2 million received the "base" RSA in an amount of €470 for a single person and €840 for a couple with child, half a million received the "employment" RSA alone and 200,000 combined both benefits.

B. Initial assessment of RSA in 2011 by the National Review Committee (CNE)

385. The Act of 1 December 2008 provided for the establishment of a National Review Committee composed of representatives of the departments, the State, CNAF (National Family Allowances Fund), CCMSA (the Agricultural Social Insurance Mutual Benefit Fund), the governmental employment centre *"Pôle emploi"* and associations fighting exclusion, together with beneficiaries and eminent persons.

386. The Committee delivered a report on 14 December 2011,[31] aimed at assessing RSA performance (poverty reduction, back-to-work incentive, governance, recipient support profile), its cost and its impact on the use of part-time workers in the market and non-market sectors.

[31] http://www. social-sante.gouv.fr/IMG/pdf/DP-confRSA.pdf.

387. The main findings of the CNE final report are as follows:

- In terms of the reduction of poverty, the "employment" RSA increases median annual household income by 7 per cent. The Committee also found that 150,000 persons had crossed the poverty line in 2010, representing a 2 per cent decline in the number of poor people.
- Two thirds of eligible households do not make use of the "employment" RSA, so that the potential number of persons who could cross the poverty line is 400,000. The rate of non-utilization of the "base" RSA is equivalent to that of RMI, at about 35 per cent.
- Back-to-work effects are less clear. It is more difficult to measure the positive impact of RSA in view of the interdependence of poor job growth factors and the economic situation since 2009. A strengthening of support mechanisms is needed in order to strengthen the role of RSA in getting people back to work.

II. Measures taken for better implementation of the right to housing

A. Urban transformation and improved housing in run-down neighbourhoods

Recommendation contained in paragraph 42 of the concluding observations

The Committee requests the State party to provide in its next periodic report detailed information on the implementation of the Framework Act for Town Planning and Urban Renewal of August 2003, which aims to intensify restructuring works in the most run-down neighbourhoods.

Recommendation contained in paragraph 43 of the concluding observations

The Committee recommends that the State party strengthen the implementation of its legal and regulatory framework to combat the phenomenon of sub-standard housing characterized by unsafe, unhealthy or unhygienic conditions, with a view to improving the quality of accommodation of social housing complexes and facilitating the renovation of private housing complexes by landlords.

388. Where urban renewal is concerned, effective action by the State and its implementing agency, the National Agency for Urban Renewal (ANRU), requires a channelling of resources into neighbourhoods faced with the biggest urban, social and economic difficulties. Accordingly, of 751 "critical urban zones" (ZUS) in 2006, 196 sites, or 215 neighbourhoods, were considered to require decisive, large-scale intervention by the State, for which purpose 70 per cent of ANRU appropriations should be earmarked for them. Exceptions under article 6 made a further 112 sites also eligible; these were sites previously not included in ZUS areas but within the radius of major urban projects (GPV, or *"grands projets de ville"*) or urban renewal operations (ORU, or *"opérations de renouvellement urbain"*), along with 151 non-GPV or non-ORU sites.

389. The total ANRU programme budget[32] is €12 billion for the period 2004–2013; an additional €350 million was allocated to the Agency under the stimulus plan for 2009:72 per cent of those resources were earmarked for priority neighbourhoods.

[32] Determined by Framework Act No. 2003-710 of 1 August 2003 on town planning and urban renewal, as amended by Act No. 2009-323 of 25 March 2009 on action for housing and against exclusion.

1. Ongoing construction projects: the National Programme for Urban Renewal (PNRU) and the diversification of supply

390. Urban transformation requires the in-depth retrofitting of neighbourhoods targeted by urban improvement policy *("quartiers dits 'politique de la ville'")*, where nearly 8,000,000 people live. Indeed, the urgent nature of the situation in certain neighbourhoods was a determining factor in the establishment under Act No. 2003-710 of 1 August 2003, of a national programme for urban renewal (PNRU).

391. This programme envisages, in the light of projects put forward by local stakeholders, demolition and rebuilding operations, operations to improve social rental housing, development of public spaces, highways and public or commercial infrastructure and measures targeting run-down private housing, but also engineering support. At the same time, private housing building operations, partly under the responsibility of the housing property association, should make for greater diversity in neighbourhoods dominated by social housing.

392. The programme has successfully ushered in an unprecedented transformation of 485 urban improvement neighbourhoods. Nevertheless, further action is needed to complete the renewal process and meet the high expectations of inhabitants, local authorities and donors.

393. This further phase of action will need to take into account a number of stronger demands in respect of the development of economic activities, diversification of housing supply, social diversity, opening up of the neighbourhood, treatment of sub-standard housing and issues of public peace.

394. To meet these expectations, the Interministerial Committee on Urban Affairs (CIV) on 18 February 2011 asked the Minister of Urban Development to study needs, modes of operation and the necessary funding with a view to formulating proposals for a second phase of the programme.

(a) Retrofitting and restructuring of housing

395. A programme is in place for the retrofitting of nearly 500 neighbourhoods under the national programme for urban renewal (PNRU) and the restructuring of housing on site and in the rest of the urban district by 2013. This programme includes major demolition work and the building of social housing, guided by the principle of not reducing local housing supply, except in areas where there is a decrease in population. At 1 January 2011, 393 agreements had been signed with regional authorities for the implementation of urban renewal projects in 483 neighbourhoods, for some 4 million inhabitants. Together, these projects include the recovery of 128,000 social housing units, the rehabilitation of 314,300 social housing units, the demolition of 135,300 social housing units and the residential conversion of 331,800 housing units, but also the financing of the modernization, fitting out and retrofitting of run-down private housing in old neighbourhoods, as well as engineering work.

Table 6
Ratio of rebuilding to demolition

	2009 Completed	*2010 Completed*	*2011 Updated forecast*	*2012 Forecast*	*2013 Target*
Overall ratio of rebuilding to demolition — as a percentage	88	88	95	92	98

Data source: ANRU 2011.

Method of calculation: Until initial delivery, projects formally entered as an item of expenditure (in the form of a decision to grant a subsidy) will be considered to be "completed".

Key: The target value is 98: rental supply has to be reconstituted on the basis of one rebuilding per demolition, except in certain particular cases of low-stress housing, the criteria for which have been defined by the governing board of the Agency.

(b) Support for the use and management of distressed condominiums

396. Is also planned to diversify supply by supporting the building of middle-rent rental housing and housing for first-time house owners in order to increase social diversity in ZUS areas. Diversification of supply also requires measures of support for distressed condominiums (support for financially precarious condominiums, assistance for their rehabilitation, or even repurchase for demolition). In view of the distressed condition of such condominiums in many priority neighbourhoods for urban improvement, the Interministerial Committee on Urban Affairs decided on 18 February 2011 to launch a distressed condominium management programme in those neighbourhoods. One of the aims will be to encourage prefects to identify distressed condominiums in ZUS areas with a view to targeting assistance towards them and, with the help of a dedicated operator, considering on a trial basis the public refinancing and/or redevelopment of distressed condominium units.

397. Lastly, Act No. 2011-725 of 23 June 2011 on overseas departments and regions contains particular provisions regarding informal settlements and measures to combat sub-standard housing overseas through operations to locate land suitable for formal housing and the establishment of a sub-standard housing monitoring service. It also provides, under certain conditions, for financial assistance to compensate for losing a home, when a redevelopment or public infrastructure operation makes it necessary to demolish housing established without authorization or right on the property of a public entity or the agent of a public entity.

2. *Enhancement of common areas*

398. Local urban management (GUP) includes all action aimed at improving the overall functioning of neighbourhoods through concerted management aligned with needs and customs. It covers in particular the maintenance and enhancement of urban public areas, the quality of public services, public peace, "living in harmony" and raising tenant awareness of environmental issues.

399. Owing to the deterioration of living conditions in critical neighbourhoods and the lack of coordination between stakeholders involved in the management of their public areas (local authorities, lessors, public services, etc.), local urban management has become a major challenge in such neighbourhoods. Introduced by the Interministerial Committee on Urban Affairs on 20 June 2008, the local urban management "study walkabouts"

("diagnostics en marchant")[33] enable local stakeholders to benefit from private consultancy services in their dealings with the GUP office.

400. On 18 February 2011, the Interministerial Committee on Urban Affairs, recalling how important it was to involve local stakeholders in local urban management, decided to continue the practice of "study walkabouts" and to put in place site-based training courses for all GUP partners. The Committee also decided to establish, among owners of rental housing, structures for the sharing of resources (information, training) for building superintendents in priority neighbourhoods and to raise the status of such superintendents.

401. Enhancement of common areas and the everyday environment in neighbourhoods in difficulty is encouraged through the granting of a tax advantage to social housing associations that make additional efforts for the benefit of tenants. Owners of social housing in ZUS areas are granted, under certain conditions, a 30 per cent tax reduction on the land tax base for real property in exchange for an undertaking that they take action to improve the quality of the services provided to tenants. Article 1 of Act No. 2009-323 of 25 March 2009 on action for housing and against exclusion makes the maintenance of the land tax reduction conditional as from 2011 on the signing of a social utility agreement (CUS) by 31 December 2010.

402. Moreover, in order to ensure the sustainability of the investments and processes ushered in by urban renewal, the Government has developed a specific mechanism for sites that have completed their urban renewal operations. The circular of the Minister for Urban Affairs of 21 July 2011 on the management of retrofitted neighbourhoods under the national programme for urban renewal spells out the ways in which this mechanism is to be used.

403. In the sites concerned, the partners, under the leadership of the mayor or president of the urban district, draw up a local strategy plan embodying local expectations shared by the different municipalities in the neighbourhood for the follow-up to urban renewal. Guidelines are thus set for sustainable improvements in everyday living conditions in the neighbourhood through leverage of the diversification of housing and functions served in the neighbourhood, local urban management, household support following rehousing operations, economic integration, etc. On the basis of these local strategy plans, upgraded neighbourhood agreements are concluded, setting out detailed commitments by local urban policy partners.

B. Development of a balanced supply of social housing throughout the territory

Recommendation contained in paragraph 44 of the concluding observations

The Committee recommends that the State party — taking into account a general recommendation No. 4 (1991) on the right to adequate housing — adopt all appropriate measures to ensure access to adequate housing for low-income households, *inter alia* by ensuring that adequate resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies, to enable low-income households to have access to adequate housing in the private rental sector.

404. The State supports the development of a balanced supply of social housing throughout the territory, at the level of each urban district, in order to assist in efforts to

[33] A "study walkabout" is a field visit during which participants can identify, list and discuss neighbourhood dysfunctions and needs.

reduce social specialization in critical urban zones. Reducing concentrations of low-income households in marginalized areas is a major factor in social cohesion.

1. Building new social housing

405. The number of social housing units financed across every category has remained high, including in 2011, when the social cohesion plan, put in place by the Act of 18 January 2005, covering the period 2005–2010, had been completed; in the number of units financed by this means, the proportion of units for the lowest-income households rose significantly. However, this is still not enough to meet all the needs and the Government aims to increase the number of financed social housing units to 150,000 a year in the next five years.

2. Private housing measures in certain priority sectors

406. The National Housing Agency (ANAH), a State operator, intervenes in private housing sectors of priority interest to urban policy or in older neighbourhoods, thereby maintaining the availability of approved quality housing.

407. The implementation of a specific programme to address the difficulties encountered in distressed condominiums (see above) is also one of the measures to rebalance the supply of housing countrywide.

408. As for access to private housing, the approach adopted by the public authorities does not focus on the housing allowance, which already exists for private housing tenants, provided that the housing is of decent quality, but on rent controls wherever warranted by rental conditions.

3. The local housing programme (PLH)

409. The local housing programme (PLH) is a strategic programming document that incorporates all local housing policy: public and private housing stock, management of existing stock and new buildings, specific population groups. It enables local authorities to design and carry through housing projects by setting out the goals and principles of a policy to meet the housing needs of households, irrespective of their size and resources, and to ensure a balanced and diversified housing supply distribution.

410. A local housing programme is now required in all communities with housing responsibilities in administrative areas having a population of more than 30,000 persons and including an administrative district having a population of more than 10,000 persons, in all conurbations and urban communities and in administrative districts having a population of more than 20,000 persons, not forming part of a community of administrative districts or a conurbation.

C. Measures to enforce the right to housing and combat all forms of discrimination

Recommendation contained in paragraph 41 of the concluding observations

The Committee urges the State party to take all appropriate measures, in close consultation with the population concerned, to reduce the phenomenon of residential segregation based on racial, ethnic and national origin, as well as its negative consequences on the living conditions of the affected individuals and groups.

In particular, the Committee recommends that the State party take all appropriate measures, in order to:

(a) Improve housing and living conditions in residential areas that are currently racially segregated by facilitating the renovation of existing housing complexes and

improving their infrastructures, access to services and employment opportunities;

(b) Support the development of new public housing complexes outside poor, racially segregated areas; and

(c) Ensure the effective implementation of existing legislation to combat discrimination in housing, including discriminatory practices carried out by private actors.

411. The public policy of France is not based on an ethnic approach and, in the matter of housing in particular, cannot be based on the concept of racial segregation. While certain residential areas, both on the outskirts of cities and in town centres, receive special attention from communities, it is because they combine a number of handicaps, in terms of accessibility, employment and housing that justify such attention.

412. Where access to housing is concerned, France endeavours to combat all forms of discrimination. In the social housing sector, French legislation stipulates that requests for housing must be met within a normal time frame, set by a decision of the local State representative. In cases where applicants are not offered suitable housing within that time frame, they may refer the matter to the mediation commission with the request that their right to housing be recognized. Such recognition imposes an obligation on the State to provide housing for the person or persons concerned within the prescribed time limits.

413. Furthermore, the Act of 25 March 2009 on action for housing and against exclusion strengthened and improved the existing mechanism for the compulsory so-called "single number" registration of requests for social housing established under the Anti-exclusion Act of 29 July 1998, by facilitating the application procedure for social housing, reinforcing the compulsory nature of registration of applications, expediting the delivery of documentation to that effect and increasing the number of possible places of registration; lastly, the information to be provided in the application for social housing and the supporting documents required are specified at the national level and lessors cannot therefore demand further information or documentation in order to assign social housing. Where private housing is concerned, the most recent report of the High Authority to combat discrimination and promote equality, now replaced by the Defender of Rights, covering the year 2010, shows that the proportion of complaints concerning private housing addressed to the High Authority, which was 47 per cent of the total number of complaints concerning housing in 2007, rose to 62 per cent in 2010, reflecting that body's capacity to deal with instances of possible discrimination in respect of both private housing and public housing.

414. The Act of 5 March 2007 establishing an enforceable right to housing (DALO) stipulates that any person who is unable by his or her own means to have access to housing or to remain in such housing has a right to decent and independent accommodation. This right is guaranteed by the State, which is henceforth required not only to take measures to that end but also to achieve results. It is exercised through an administrative appeal to departmental mediation commissions and then, in cases where the appellant is not rehoused despite a decision to that effect by the commission, through a legal appeal to the administrative courts. The right to housing has thus become the third enforceable right of the French legal system, after health and education.

415. This Act, which entered into force gradually, has had mixed results, however, due in particular to geographical disparities between the supply of available housing and demand, notwithstanding the shift of focus towards high-tension areas in recent years. This is one of the reasons why the raising of annual targets for State-funded social housing has been accompanied by an increase in the proportion of social housing units to be found for municipalities where there is a shortage of such housing; this proportion was raised from 20 per cent to 25 per cent under the Act on the use of public land for housing and the

stiffening of requirements for the production of social housing, adopted by the French Parliament in December 2012.

D. Assistance for the homeless

Recommendation contained in paragraph 46 of the concluding observations

The Committee recommends that the State party carry out an updated national survey in order to evaluate the extent of homelessness in the State party. The Committee further recommends that the State party take all appropriate measures to improve both the quantity and quality of reception facilities (including emergency shelters, hostels, reception and special rehabilitation centres and boarding houses) and develop appropriate policies and programmes to facilitate the social reintegration of homeless persons.

416. In 2012, there were 116,000 shelter places for homeless persons, 27 per cent more than in 2007. Under an unprecedented humanization plan, €500 million was channelled into work to improve the quality of life in shelters (individual rooms, toilet and shower facilities, alignment with standards for accessibility and security).

417. Nevertheless, to improve the services provided to homeless persons, the priority is not to continue to increase the number of shelter places but to make every possible effort to help them to find real housing. Accordingly, since 2009, a new strategy has been implemented aimed at facilitating access to housing. Characterized by the direct link made between shelter and housing, it counts as a significant turning point in the conduct of this public policy in that it gives priority to access to housing, including for the most vulnerable groups, and, as far as possible, to regular housing under conditions of ordinary law, supported, wherever necessary, by monitoring mechanisms.

418. Shelter accommodation and monitored housing, while remaining necessary, are considered to be no more than steps towards obtaining ordinary housing. By making it easier to obtain housing, the strategy seeks to ensure better control and optimal use of spending in order to break with the former practice of continually creating shelter places without, however, meeting needs. This new integrated strategy, like those adopted by other European countries (United Kingdom, Finland or Denmark), is predicated on the concept of "Housing first", with the difference that France has chosen to continue implementing it under national stewardship while our European partners have generally opted for decentralization. These major lines of strategy are widely shared by leaders in the voluntary sector who participated actively in working group discussions prior to the adoption of the national strategy. The 2010 European Consensus Conference on Homelessness, like the national conference on housing first, on 9 December 2011, served to highlight the relevance of this approach.

419. The "Housing first" strategy has translated into 12 benchmark texts, the most recent of which dates from 4 March 2011. It is then a recent policy that has been built up stage by stage. The first fruit of administrative action has been the development of tools of governance and stewardship for the provision of shelter and housing. These tools have opened the way to the modernization of the sector and the reforging of relations between the State and operators.

420. This modernization follows the model developed in the medico-social sphere and involves the planning of supply on the basis of recognized needs, outsourcing to operators and regulation of mechanisms for greater efficiency.

1. Planning of supply

421. Provided for by article L. 312-5-3 of the Social Action and Family Code, the departmental plan on reception, shelter and integration provides a framework for the multi-year, area-based programming of supply with a view to ensuring access to housing under ordinary conditions. Developed in consultation with stakeholders, it should be included in the departmental plan of action for the housing of disadvantaged persons and be coordinated with other housing planning tools (departmental housing plan and local housing programme). It should serve as a strategic tool for rethinking the care and support of persons in vulnerable situations and ensure strong stewardship by the State of the reception, shelter and integration system. A coherent overview of supply and programming of supply is expected to be developed at the regional level; it is also at this level that policy lines are to be established and future courses of departmental action are to be determined in the light of budget resources and the necessary rebalancing exercises.

2. Development of a national baseline for benefits and costs

422. The development of a national baseline answers the need for clarification, simplification and harmonization of the benefits available within the system, regardless of the diversity of legal categories, voluntary sector nomenclature, funding procedures and resources, using an approach directed towards meeting individual needs for care.

423. The national study of costs undertaken in 2011 and given general application in 2012 was designed to ascertain the real costs of the benefits provided within the shelter system in order to establish an objective basis for the allocation of funding.

3. Outsourcing between the State and operators

424. In this new approach to meeting identified needs, outsourcing offers a tangible expression at local level of the reforging of relations between the State and associations.

425. Outsourcing entails a continuing, collective and individual management dialogue between the State and operators in order to improve the response to the needs of homeless persons. To this end, outsourcing is a pre-eminent tool for redirecting the efforts of stakeholders towards a "Housing first" policy.

4. Establishment of integrated reception and guidance services

426. The establishment of these integrated services marked a milestone in the development of care for homeless persons, given that, previously, the various services concerned had tended to act in a more isolated way. Through networking and coordination of Social Watch agents, such integrated services are designed to ensure shelter accommodation and access to housing, regulate the supply of and demand for shelter facilities, simplify procedures, streamline the system, facilitate access to housing and, ultimately, serve users more effectively.

5. Budget management

427. Lastly, steps have also been taken to strengthen the State's budget management of decentralized programme appropriation No. 177 (€1,228,000,000 in 2012).

428. The mode of apportionment of regional allocations has been modified to set in motion a process of convergence based on objective criteria, known to all, whereby account is taken of the historical status of the housing stock but also of conditions of social vulnerability (recipients of active solidarity income, changing number of asylum seekers) and pressure on housing (decisions to make housing available in accordance with an

enforceable right to housing). At the end of the convergence procedure initiated, and given a comparable social context, the regions will have comparable resources at their disposal.

Article 12
Right to physical and mental health

429. France makes every effort to ensure access to health care, in particular through the extension of entitlements to the most disadvantaged persons or the offering of assistance to obtain supplementary health insurance. One of the priorities of urban policy is to reduce social inequalities in respect of health care. A national nutrition programme has been put in place to help people to improve the quality of their food.

I. Access to health care in France

430. The French health-insurance system today covers the entire population on the basis, first, of occupation and, second, of residence, following the establishment of Universal Health-Care Coverage (CMU) in 2000. It is predicated on the principles of universality and solidarity, according to which all residents are covered regardless of age, income and state of health through socialized financing. Basic health insurance pays for 75 per cent of the cost of medical care and supplies and supplementary health insurance covers some 13 per cent. The remaining portion of the cost for which households are ultimately responsible is about 10 per cent in France, which is among the lowest among OECD States.

A. Access to supplementary coverage

431. Basic health-insurance schemes are supplemented by private supplementary insurance schemes or, in the case of the most disadvantaged, by a free supplementary legal mechanism, known as Supplementary Universal Health-Care Coverage (CMU-C). This mechanism, introduced in 2000, is designed to relieve beneficiaries of any financial burden: it entails more advantageous coverage for certain types of care (ophthalmological, dental, etc.) and obviates the need for advance payment of costs (third-party payment system), co-payments and flat rates. Some 8 per cent of the population benefit from CMU-C. By enabling 4,850,000 persons to have access to health care, CMU-C has helped to reduce inequalities in respect of health (only 3 million persons received departmental medical assistance) and significantly reduced waiting time for health care.

432. Persons whose income is slightly higher than the resource ceiling[34] for CMU-C eligibility may receive financial assistance for private supplementary insurance or for supplementary health insurance (ACS), the amount of which varies according to age. This covers some 60 per cent of the cost of private insurance.

B. State medical assistance for undocumented persons

Recommendation contained in paragraph 47 of the concluding observations

The Committee urges the State party, in line with general comment No. 14 (2000) on the right to the highest attainable standard of health, to adopt all appropriate measures to ensure that persons belonging to disadvantaged and marginalized groups, such as asylum seekers and undocumented migrant workers and members of their families, have access to adequate health-care facilities, goods and services.

[34] Persons whose resources exceed the ceiling by up to 35 per cent, i.e. €874 for a single person in 2012.

433. State medical assistance (AME) is available for all undocumented persons and their dependents whose resources do not exceed the ceiling for eligibility for CMU-C, provided that they have been continually resident in France for more than three months. This latter condition does not apply to minors. More than 230,000 persons benefited from this scheme in 2010, for a cost of €580 million.

434. In the case of undocumented adults who are not eligible for AME, emergency medical care is nevertheless covered. This includes hospital care where the absence of such care would be life-threatening or could lead to a serious and lasting impairment of the person's or unborn child's state of health, medical care to prevent the spread of a disease to other persons or to the community, and prevention and care in connection with pregnancy, childbirth and newborns. The cost of such care in 2010 was €76.4 million.

435. As for asylum seekers, they are covered by the general scheme (see above, CMU, CMU-C and ACS) upon presentation of a temporary residence permit bearing the annotation "for application to the French Office for the Protection of Refugees and Stateless Persons (OFPRA)", a receipt of an application for refugee status bearing the annotation "has applied to OFPRA for refugee status" or a prefectural summons containing the words "Priority political asylum procedure".

C. Regional programme for access to prevention and care (PRAPS)

436. The regional programme for access to prevention and care (PRAPS) is designed to help the most disadvantaged persons to have access to generally available health-care and medico-social services. Established by the Framework Act of 29 July 1998 on measures to prevent exclusion, this programme was confirmed by the Act of 21 July 2009 on the establishment of regional health agencies (ARS). It has become mandatory to include such regional programmes in the regional public health plans established by the Act on public health policy of 9 August 2004. These programmes are required to be an integral part of the regional health projects developed by each regional health agency. Gradually introduced since 2011, they will be implemented in the different regions over a five-year period starting in 2012.

437. The purpose of these regional programmes is to ensure easier access to generally available health-care and medico-social services through specific, cross-cutting measures, in particular through the granting of entitlements and the adaptation of the supply and configuration of health care. These programmes, together with other measures such as the permanent provision of health-care services, help to ensure universal access to basic health care.

438. Their effect is amplified by nationwide plans and programmes under which specific measures have been developed for vulnerable groups (national nutritional health programme, national HIV/AIDS programme for migrants/foreigners living in France, national plan on health and the environment, national heat-wave plan, national anti-cancer plan, plan on psychiatry and mental health, national rare diseases plan, perinatal health plan, etc.).

439. In the course of the three generations of PRAPS that have been implemented, four main types of action have been carried out: support measures to ensure access to entitlements and care; public information and training of health-care professionals and social workers; preventive measures; and health education and communication activities.

II. Urban development strategy for reducing social inequalities in respect of health

440. Urban development strategy, as set out in Framework Act No. 2003-710 of 1 August 2003 on town planning and urban renewal, supplemented by Act No. 2006-396 of 31 March 2006 on equality of opportunity, and translated into operational measures by the Interministerial Committee on Urban Affairs, particularly at its meetings on 18 February 2011, is directed towards five priority goals:

- Improving housing and living conditions;
- Promoting economic development and access to employment;
- Preventing crime and developing citizenship;
- Promoting educational success and equality of opportunity;
- Improving prevention and access to health care.

A. A sufficient supply of health care to overcome demographic inequalities in the medical field

1. Measures in support of the establishment and maintenance of professional health-care personnel

441. Such measures are the responsibility of the State and local government but they may also be taken under agreements or contracts with the health insurance authority:

- State financial assistance may take the form of tax exemptions (exemption from income taxes on payments received for operation of a health-care station and temporary exemption from employment dues from companies in certain areas) and assistance for organizational measures concerning the regrouping of health-care personnel, the diversification of modes of health-care provision, improvement of professional practices, etc.
- A memorandum of understanding has been concluded between the Council of the National Union of Health Insurance Funds and medical doctors' unions (Amendment No. 22 to the Medical Convention) on support for the establishment of health insurance, aimed primarily at ensuring the continual operation of health-care services, in particular through the regrouping of health-care personnel to ensure nationwide coverage and by encouraging isolated health-care providers to enter into partnerships with others. The health insurance authority has also introduced good practice contracts with general practitioners in the private sector to encourage them to establish consultancies in urban tax-free zones. These contracts aim to ensure continual provision of health care and to offer a wide range of opening hours for medical consultations, but also to develop comprehensive coverage for the population with due regard for prevention and screening procedures tailored to the area concerned, in coordination with the medico-social sector.

2. Development of multidisciplinary health centres (MSP)

442. Multidisciplinary group practices offer an effective solution to the desertion by doctors of disadvantaged neighbourhoods. The aim is to encourage health-care professionals to relocate to areas where regional health agencies consider there to be a shortage of such personnel, in particular through the development of multidisciplinary health centres, health-care clusters and health-care facilities.

443. The Ministry of Health awarded a €100,000 grant from the intervention fund for health-care quality and coordination towards the financing of multidisciplinary health centres in 215 neighbourhoods designated by the Interministerial Committee on Urban Affairs in 2008.

444. In view of the importance of access to health care, the Interministerial Committee on Urban Affairs decided on 18 February 2011 to speed up the development of coordinated health-care facilities by requesting the regional health agencies to frame a specific strategy, within the framework of regional outpatient care models, tailored to areas targeted for urban improvement. Following this decision by the Interministerial Committee, the Ministry for Urban Affairs set aside a national budget of €2 million to develop the provision of outpatient care in priority neighbourhoods. The national agency for social cohesion and equality of opportunity was made responsible for managing the funds.

B. Local programming of health-care services in disadvantaged neighbourhoods

1. Lack of health-care provision in priority neighbourhoods

445. As is noted in successive reports from the National Observatory on Poverty and Social Exclusion (ONPES) and the National Observatory on Critical Urban Zones (ONZUS), health problems arise earlier and more acutely within socially disadvantaged population groups, particularly in critical urban zones (ZUS) and other priority neighbourhoods. The density of medical and dental practices, medical support facilities and hospitals in ZUS areas is half what it is in their immediate environment, according to the 2009 ONZUS report.

446. According to the 2010 ONZUS report, CMU-C coverage, which is a tell-tale sign of precariousness, is 2.4 times higher in ZUS areas than elsewhere.

447. There are, however, very considerable disparities within such areas. The rate of CMU-C coverage varies by a ratio of 1 to 3 between the 10 per cent of such areas least covered and the 10 per cent most covered by the scheme.

448. Addressing health-related issues through a study of the results of the triennial cycle surveys conducted among fifth grade and ninth grade students, the 2010 ONZUS report reveals that students attending schools in ZUS areas have a lower rate of vaccination coverage than those attending schools in other neighbourhoods, suffer more frequently from defective vision and hearing, have a greater need of dental care and include a greater number of cases of obesity. The reasons for this lie as much in the socio-economic situation of the inhabitants of priority neighbourhoods as in the lack of availability of care in such areas. It reflects the need for comprehensive health coverage offering easier access to care and targeting all the individual and collective determinants of health through preventive measures and health education tailored to the inhabitants of such neighbourhoods. This is the challenge that is being addressed through the urban health-care workshops (ASV) and, now, local health-care contracts (CLS).

2. Urban health-care workshops (ASV) and local health-care contracts (CLS)

449. The urban health workshops come under the umbrella of the urban social cohesion contracts and are tasked with making an area-based diagnosis of health-care needs and health-care availability, developing and coordinating the implementation of programmes of preventive action, health promotion and access to primary care, and evaluating their impact with a view to reducing social inequalities in respect of health between areas.

450. These workshops and their programmes of action are financed from the funds of the national agency for social cohesion and equality of opportunity, but also from regular appropriations of local authorities and regional health agencies. The measures taken

towards the subregional territorialization of health policy under the Act of 21 July 2009[35] will help to ensure the recognition and consolidation of the programmes carried out by the urban health workshops under the banner of regional health projects.

451. In addition, the use of local health-care contracts, as from 2012, concluded between local authorities and the regional health agencies should give an added boost to these cross-sectoral pro-health processes in each area by ensuring that the health-related measures included in urban social cohesion contracts are in line with regional health agency strategy for access to prevention and care in each region.

III. The national nutrition programme

452. In view of the nutritional epidemiological situation, France put in place a national healthy nutrition programme in 2001.

453. The national healthy nutrition programme is a national steering programme. Its purpose is to propose trustworthy and scientifically tested recommendations to help the population and food professionals to decipher the sometimes contradictory information about nutrition that is aired every day.

454. The State is currently carrying out the third part of this programme, for 2011–2015. It is based on a nutrition information and education strategy and involves the wide dissemination of approved information to various population groups (children-women-families-older persons) through multiple media channels and community health workers. Instructions are sent to schools by the Ministry of National Education to develop nutrition education and documents produced in support of such education.

455. Furthermore, agro-food companies are encouraged to undertake to reduce on a voluntary basis and in accordance with benchmarks the quantities of salt, sugar or fats in at least two thirds of their food production. In this nutrition policy, priority is given to reducing social inequalities in respect of healthy nutrition.

IV. Suicide in France

Recommendation contained in paragraph 48 of the concluding observations

The Committee recommends that the State party strengthen its efforts to analyse the motives for committing suicide, with a view to developing effective measures aimed at the prevention of suicide among particularly vulnerable groups, including young people, homosexuals, persons addicted to drugs or alcohol, detainees and older persons. The Committee requests the State party to include in its next periodic report statistical data, disaggregated on the grounds of age and gender, on the number of persons that have committed or attempted suicide, as well as information on progress made in implementing the various plans and strategies put in place to prevent suicide.

456. Suicides account for 2 per cent of deaths in France. The most recent data issued by the epidemiology centre on medical causes of death show 10,509 deaths by suicide in 2010. Three times more men than women commit suicide (7,735 men as against 2,774 women).

[35] Act No. 2009-879 of 21 July 2009 on hospital reform and patient, health and area issues.

457. This rate also increases with age, rising from 6.7 deaths per hundred thousand inhabitants between the ages of 15 and 24 to 33.6 over the age of 74. However, suicides account for a larger proportion of deaths among 15 to 24-year-olds, representing 16 per cent of the total number of deaths (and the second cause of mortality after traffic accidents). From the age of 65, suicide accounts for less than 1 per cent of total deaths.

458. Rates of death by suicide tend to decrease over time (-11 per cent between 2000 and 2008). This decline is more marked among older and younger persons. However, since 2000, the suicide rate has slightly increased among men aged between 45 and 54 (+5 per cent between 2000 and 2008).

459. The breakdown of deaths by suicide in 2010 according to age group is as follows:[36]

- Under 14 years: 44 deaths, or 0.42 per cent of suicides;
- 15–24 years: 521, or 4.96 per cent;
- 25–34 years: 1,000, or 9.52 per cent;
- 35–44 years: 1,887, or 17.96 per cent;
- 45–54 years: 2,361, or 22.47 per cent;
- 55–64 years: 1,800, or 17.13 per cent;
- 65–74 years: 1,072, or 10.20 per cent;
- 75–84 years: 1,198, or 11.40 per cent;
- 85–94 years: 591, or 5.60 per cent;
- Over 95 years: 35, or 0.3 per cent.

460. The Health Watch Institute estimates that there were 220,000 suicide attempts requiring treatment in an emergency service in 2007.[37] Women were involved in 65 per cent of suicide attempts leading to hospitalization, mainly through drug overdoses. The hospitalization rate for suicide attempts was 16.9 per 10,000 inhabitants (12.4 per 10,000 men and 21.2 per 10,000 women).

461. The highest rates of hospitalization following suicide attempts were registered for adolescent girls between the ages of 15 and 19, at around 43 per 10,000.

462. A significant number of cases of suicide known to be work-related (recognized by social security as occupational injuries) or assumed to be so have received media attention since early 2007. However, the National Research and Security Institute notes that work-related suicide is not a new phenomenon. Cases of workplace suicide started being reported by occupational physicians in the late 1990s.

463. A study by the Health Watch Institute,[38] based on information gathered by occupational physicians in the Rhône-Alpes region under the "Mental health monitoring by occupational activity" programme "Samotrace", notes that nearly 10 per cent of women and 7 per cent of men are at risk of suicide. Among men, this risk follows a social gradient, the most privileged social categories being the least concerned. Although the results are not

[36] Data on causes of death registered by the INSERM (National Institute of Health and Medical Centre) epidemiology centre.

[37] "Tentatives de suicide et pensées suicidaires en France en 2010", *Bulletin épidémiologique hebdomadaire, Suicide et tentatives de suicide: état des lieux en France*, No. 47-48, December 2011.

[38] "Risque suicidaire et activité professionnelle", *Bulletin épidémiologique hebdomadaire, Suicide et tentatives de suicide: état des lieux en France*, No. 47-48, December 2011.

significant the health and social welfare sector and the transport and communications sector could be more particularly concerned. Among women, suicide risk according to employment is more uniform.

464. The national programme of action against suicide 2011–2014 tackles the problem of suicide as a whole, from prevention through the care of suicide patients to postvention. The measures fall into six clusters:

(1) Development of prevention and postvention;

(2) Improved care of persons at risk of suicide and their circle;

(3) Information and communication on mental health and suicide prevention;

(4) Training of professionals;

(5) Development of studies and research;

(6) Local organization of programme activities.

465. Accordingly, a number of ongoing projects are aimed at improving data quality and follow-up in regard to work-related suicides and attempted suicides, in particular:

- A pilot project in Auvergne involving the monitoring of workplace suicides through a multisource system (data from the national health insurance fund, the agricultural social mutual fund and forensic institutes);
- Analysis of suicide mortality data by socio-occupational category and sector of activity, after matching with socio-demographic data of the National Institute of Statistics and Economic Studies (INSEE);
- Analysis of mortality (including death by suicide) in cohorts of companies (agreements with the Paris transport authority (RATP), Air France and the prison administration).

466. Awareness of work-related psychosocial risks, including the risk of suicide, has been reflected in a national conference on working conditions, held in 2007, the joint statement on stress in public administrations, signed on 19 December 2008 at the European level, the national cross-sectoral agreement on workplace stress of 2 July 2008, the agreement of 20 November 2009 on workplace health and security in the public and private sector, and the identification of psychosocial risks as matters of priority concern in the workplace security health plan for 2010–2014.

467. Various public employers, ministries, local authorities or public health institutions have, in accordance with the agreement of 20 November 2009, taking concrete steps for psychosocial risk prevention (establishment of monitoring mechanisms and observatories, training and information activities and awareness-raising among all members of personnel).

468. A further series of measures was initiated by the Minister for the Civil Service in September 2012, aimed at coordinating ad hoc or isolated initiatives, retargeting them to address workplace conditions and, lastly, introducing related policy-steering mechanisms at all levels.

Article 13
Right to compulsory, free education for all

469. France gives priority to two goals: ensuring access to compulsory, free education and effectively integrating vulnerable and disadvantaged population groups into educational structures.

470. The measures and mechanisms described below can be expected to be adjusted, following national consultations on educational reform in France, pursuant to the new Framework Act for schools, which should be adopted in the first half of 2013.

I. Measures to ensure access to compulsory education free to all

A. Mastering the common core of knowledge and skills: the primary goal of compulsory education

471. The common core of knowledge and skills defines the seven major skills to be mastered by students at the end of compulsory education (from the age of 6 to 18): this is the main provision of the Framework and Planning Act on the future of education of 23 April 2005. It was developed in the light of the recommendation of the European Parliament and the Council of the European Union on key competencies for lifelong education and learning.

472. The common core is the benchmark for curriculum design in primary and lower secondary education. It conveys the body of values, knowledge, languages and practices that all students must master in order successfully to graduate from school, continue their training, build their personal and professional future and pave the way towards living successfully in society. It sets the minimum requirements to be fulfilled by the end of compulsory education. Students are thus required to have mastered the French language, to be able to use a modern foreign language, to possess the main elements of arithmetic and scientific and technological culture, to have mastered common information and communication techniques, to have acquired humanistic values and social and civic skills, and to have developed self-reliance and a spirit of initiative.

473. Evaluation of the common core of knowledge and skills is in three stages:

- The first stage of evaluation, at the end of second grade, covers in particular ordinary reading and writing skills and the rudiments of arithmetic;
- The second, in fifth grade, measures pupil attainment at the end of primary education in the seven main areas of competency;
- A third and final evaluation of acquisition of the seven skills is conducted in schools in ninth grade.

474. An individualized programme for educational success is proposed to pupils who have difficulties in acquiring the common core.

B. A system offering educational guidance for all

1. Courses tailored to each pupil

Significant developments since 2010

475. From kindergarten to fifth grade, pupils can receive individualized help during the school year. As soon as the first difficulties arise, they can thus benefit from special schooling for an average of two hours a week. More than 1 million primary school pupils benefit from this scheme every year, or nearly 20 per cent of the total enrolment.

476. In fourth and fifth grade, pupils can also attend catch-up classes. More than 244,000 pupils have done so.

477. These arrangements are free of charge to families. For pupils, they offer an opportunity to enter into a relationship of trust with teachers and to go more deeply into subjects or content that they have been unable to master.

478. In middle school (lower secondary), educational support consists of help with academic work and cultural, sports or linguistic activities. In 2010–2011, nearly 800,000 middle school pupils benefited from this arrangement, under the supervision of more than 70,000 staff.

479. Individualized support is also being gradually introduced in upper secondary education. It is already in place in general and technological education in tenth grade (two hours a week) and in vocational schools (2 ½ hours a week). Half the time is given over to educational support and methodological assistance and a quarter of the total time is assigned respectively to further study and to counselling.

480. Bridging and catch-up courses are also proposed. The former are for pupils who wish to change their field of study or switch examination options, while the latter offer an alternative to repetition for pupils having the greatest difficulty.

2. *Extra support for the schooling of pupils with disabilities*

481. Between 2006 and 2011, the number of children with disabilities attending school increased by 60 per cent. The goal of 2,000 disability-friendly school environments (*"Unités localisées pour l'inclusion scolaire"* – ULIS) was largely exceeded.

482. For several years, enrolments have continued steadily to rise. In 2011–2012, nearly 210,400 pupils with disabilities were enrolled in schools and institutions under the authority of the Ministry of National Education: 130,517 in primary education and 79,878 in secondary education. Of these 210,400 pupils, slightly more than 90 per cent attended school full-time.

483. Children with disabilities may be integrated into regular schools in one of two ways:

- Schooling in a regular class, including in an appropriate education class, for pupils with educational difficulties;
- Schooling in a class for pupils with disabilities, classes for educational integration at primary level or ULIS at secondary level or differentiated education allowing the pupils concerned to follow a regular course, fully or in part.

II. Measures to facilitate the integration of the most vulnerable and disadvantaged groups

A. Priority education policy: giving more to those who need it

484. Priority education policy is predicated on the principle of "giving more to those who need it". The same level of expectation for all pupils makes it necessary to give assistance to pupils with the poorest school attendance records. Substantial additional resources are thus earmarked for schools catering to socially and educationally challenged groups, without distinction as to the ethnic origin or membership of a racial minority of the pupils enrolled.

485. While this policy offers indeed a possible way of improving the educational performance of pupils from the most challenged socio-economic backgrounds, results of the evaluation undertaken in 2010, following the relaunching and networking of priority education in 2006, do not show a sufficient narrowing of performance gaps between beneficiary pupils and others. Between 2008 and 2012, new objectives were assigned to priority education policy, particularly with the programmes "Schools for ambition, innovation and success" (ÉCLAIR), "Boarding schools of excellence" and "Roped together for success".

1. The ÉCLAIR programme

486. The ÉCLAIR programme was introduced at the beginning of the 2011 school year. Composed of 325 local State schools (297 middle schools and 28 upper secondary schools) and 2,160 primary schools distributed throughout the territory, this programme promotes networking between primary and secondary education in the interests of educational continuity and encourages innovations and changes in educational practices and patterns in line with pupils' needs. It is based on innovations in human resource management and experiments in teaching and learning. It aim is to reduce the gap between the educational performance of such schools and those of other middle and upper secondary schools. Profile-based recruitment and merit-focused management of personnel help to ensure the establishment and deployment of coherent teams.

2. "Boarding schools of excellence" and "Roped together for success"

487. "Boarding schools of excellence" seek to promote educational success on the part of motivated pupils from disadvantaged backgrounds through optimal working conditions in support of a benchmark educational project. This entails innovative teaching methods, an increase in individualized support and an openness to culture, sports and international life so as to give them a greater chance of academic success, bolster their academic ambitions and contribute to their personal fulfilment. The aim is also to promote social diversity in schools. In 2012, 26 boarding schools of excellence and 679 boarding schools offering approved "boarding school of excellence" places welcomed pupils. These schools are designed for lower and upper secondary school pupils who do not benefit in their original schools from a satisfactory working environment for them to succeed and continue their education.

488. In addition, the "Roped together for success" scheme is intended for young people from modest backgrounds whose educational ambitions may be hampered by their social or geographical origins. It serves to strengthen the links between school education, higher education and the world of work through mentoring and cultural activities. The aim of school networking is to ensure better dissemination of information about courses of higher education and the resulting job prospects and, through student mentoring activities in particular, to help these young people along the road to excellence in all its forms. At the meeting of the Interministerial Committee on Urban Affairs of 18 February 2011, the development of the "Roped together for success" scheme was selected as one of the priority measures under the "education" component of urban policy. At the beginning of the 2011 school year, 312 projects were awarded the "Roped together for success" label, as against 254 in 2010 and 142 in 2009.

B. Measures to combat educational exclusion

1. Remedial schools

489. Remedial schools *("établissements de réinsertion scolaire")* began being opened to pupils in the first 2010/11 school term in eight school regions: Nice (Saint-Dalmas-de-Tende), Créteil (Craon, Portbail, Vaujours), Montpellier (Vialas), Orléans-Tours (Dreux), Lyon (Verney), Strasbourg (Schirmeck), Toulouse (Bagnères-de-Luchon) and Versailles (Sannois, Nanterre).

490. Middle school pupils whose behaviour has a disruptive effect on activities in their original class or school are referred to such institutions. Their purpose and goal is to put in place appropriate follow-up outside the usual framework so that such pupils can again learn to observe the rules of social conduct and school life.

2. *The plan to prevent illiteracy*

491. Put into effect in 2010, this plan was consolidated at the beginning of the 2011 school year.

- In kindergarten, speech learning is intensified;
- In primary school: cognitive science is now a required input for the development of reading skills in first grade;
- At the beginning of middle school: in sixth grade, compulsory catch-up courses in reading are arranged for all pupils whose educational development could be hampered by a lack of basic skills.

3. *The education of non-French-speaking pupils*

Recommendation contained in paragraph 49 of the concluding observations

The Committee recommends that the State party adopt all appropriate measures to reduce the significant disparities in terms of school performance between French pupils and pupils belonging to racial, ethnic or national minorities in the field of education, *inter alia* by intensifying the provision of French-language courses for those students who lack adequate French-language proficiency and avoiding the over-representation of minority students in classes for children with learning difficulties. The Committee further recommends that the State party undertake further studies on the correlation between school failure and social environment, with a view to elaborating effective strategies aimed at reducing the disproportionate drop-out rates affecting minority pupils.

492. New immigrant children are enrolled in regular classes in kindergarten or primary school. Schools are required to admit such pupils in the same way as other pupils. Kindergarten is not compulsory but can be beneficial for younger children.

493. Special arrangements exist for the reception of non-French-speaking pupils, who arrive in France throughout the year. These take the form of reception units established by the regional education authority inspectorate; an explanatory brochure on how the French education system works; and an assessment of French language skills and educational level already attained in the country of origin prior to guidance and assignment to a particular school.

494. In primary school, as in lower and upper secondary schools, pupils are required to be enrolled in a regular class in keeping with their level and age, with a discrepancy of no more than one or two years. At the same time, they may be placed in a beginners' class in primary school or in a newcomers' class in secondary school for daily instruction in French. The length of time spent in these special classes varies according to each pupil's needs and seldom exceeds one year.

495. The aim is for them to be able to follow as soon as possible the full range of courses in a regular class.

4. *The education of Traveller children*

496. In accordance with article L. 111-1 of the Education Code, everyone has the right of access to education; the Ministry of National Education strives to ensure that Traveller children receive education in accordance with this right. Ordinary law applies in all respects to the children of Traveller families: school attendance is compulsory for them, as it is for other children, between the ages of 6 and 16.

497. The school attendance of Traveller children calls for the active support of local stakeholders in coordination with departmental measures for the reception of Travellers. These take the form of special arrangements for Travellers by the regional education authorities' centres for the education of new immigrants and Traveller children (CASNAV). Enrolled in regular classes in keeping with their age and level, non-French-speaking Traveller children are at the same time directed towards teachers trained in the teaching of French as a second language, under conditions specific to each educational level.

498. Absenteeism is a major obstacle to the education of Traveller children, particularly in middle school. While the CASNAVs have developed, in cooperation with district inspectorates and school principals, systematic measures for reporting and monitoring attendance, the social and cultural traditions of Travellers weigh upon parents' attitudes toward schools. Consequently, in order to ensure regular school attendance, a dialogue has to be engaged with families, to whom the doors of the institution must be opened.

499. The circular of 26 August 2012 on "preparatory and supporting measures for the evacuation of illegal camps" requires national education services, particularly those responsible for the education of new immigrants and Traveller children, to take immediate steps, in conjunction with mayors and associations and in the interests of continuity, to attend to the needs of children present in camps.

500. To achieve the educational objectives laid down in that circular, three further circulars issued on 11 October 2012 set out a series of recommendations concerning the provision of education to children from Traveller families and new immigrant children whose first language is not French, guidance, measures to combat absenteeism and non-attendance and providing such children with an education and basic knowledge.

Article 15
Right to culture and to the benefits of scientific progress

501. The French State recognizes the importance of regional languages and ensures the possibility of bilingualism in the regional communities, mass media and education. It has also undertaken to promote arts education and cultural education.

I. Official recognition of regional languages and their promotion

Recommendation contained in paragraph 51 of the concluding observations

The Committee reiterates the recommendation formulated in its previous concluding observations (*ibid.*, para. 26) that the State party increase its efforts to preserve and promote regional and minority languages and cultural heritage, *inter alia* by ensuring that sufficient financial and human resources are allocated to the teaching of regional and minority languages and cultures in public schools and to TV and radio broadcasting of these languages. The Committee also recommends that the State party consider reviewing its position concerning the lack of formal recognition of regional and minority languages in the Constitution of the State party.

A. Regional languages as part of the heritage of France: the constitutional reform of July 2008

502. Following the constitutional reform of July 2008, new article 75-1 of the Constitution stipulates that "regional languages form part of the heritage of France". This amendment to the Fundamental Law of the Republic is a formal recognition.

503. This reference in the Constitution to regional languages reflects France's attachment to this heritage whose preservation is now the responsibility of the local authorities. While indeed it is for the latter to decide on the means of action they deem appropriate to respond to local social demand, the State's action focuses on the teaching of regional languages in the education system and their place in the media.

504. Moreover, France implements most of the provisions of the European Charter for Regional or Minority Languages, even though it is unable to ratify that text as the Constitution does not recognize the language rights of specific groups.

B. Bilingualism in the territorial communities

1. Bilingualism in official records

505. The official records of territorial authorities may be issued in a regional language provided that they are also issued in French. Mayors can officiate at marriages in Breton, Corsican, Creole or any other language, alongside French. Opportunities for bilingualism combining French and a regional language are legion, whether in cultural programmes, on websites or in public information services.

2. Collaboration with the Department for the French Language and the Languages of France

506. The State seeks solutions suited to each case, which it develops in cooperation with local authorities and associations. This is the role of the Department for the French Language and the Languages of France, which organized in French Guiana in December 2011 a conference on multilingualism in French overseas territories and departments. On that occasion, it announced the establishment of a language and intangible heritage service. This is one example of a State initiative to promote the linguistic plurality of the country.

C. The place of regional languages in the media

507. The function of public broadcasting media in producing and airing broadcasts in regional languages and highlighting the diversity of the cultural and linguistic heritage of France was reaffirmed in the Act of 5 March 2009 on the reform of public broadcasting.

508. The aims and means contracts of France Télévisions and Radio France faithfully reflect this requirement. It is thus stated that the France Télévisions Corporation "shall ensure that, among its broadcasting services, those that offer regional and local programmes involve the use of the main regional languages spoken in metropolitan France and its overseas territories and departments. A significant proportion of broadcasting time is accordingly allotted today to regional language expression and the discovery of regional cultures". More specifically, "France 3 programming contributes to the knowledge and influence of France's territories and departments and, where appropriate, to the use of regional languages". Similarly, within France's overseas broadcasting network (RFO), local television and radio programmes are expected to "cover every kind of broadcasting in accordance with an editorial policy closely aligned with the cultures and environments of the French overseas territories and to contribute to the use of regional languages". Lastly, in accordance with Radio France guidelines, local radio stations are required to contribute to the use of regional languages.

509. In 2010, the television channel "France 3" aired in metropolitan France more than 300 hours of broadcasts in Alsatian, Basque, Breton, Catalan, Corsican, Occitan and Provençal (as against 253 hours in 2009 and 213 hours in 2008). In addition, the specifically Corsican channel "Via Stella" broadcast more than 900 additional hours of programmes either in bilingual French-Corsican editions or in Corsican with French subtitles. Furthermore, the news and other regularly broadcast programmes in regional languages of France Télévisions and Radio France are also available on a deferred basis and on demand, thus serving as an excellent tool for the dissemination of languages and for reaching young people in particular.

510. Lastly, the financial assistance schemes available to French-language print and audiovisual media also open to regional-language media. Regional-language press publications can receive assistance in particular from the Online Press Development Fund.

D. The teaching of regional languages and native languages in the overseas regions and territories

511. Regional languages are currently taught in 18 of France's 30 school districts. Their legitimacy and their inclusion in the education system are reaffirmed in the first paragraph of article L. 312-10 of the Education Code, which also states that such teaching shall be provided under conditions determined by agreement between the State and the territorial communities where those languages are taught.

512. Agreements have been concluded or renewed between the State and the territorial communities. Three concern the Occitan language and school districts where it is well represented. They also cover Basque, Catalan, Corsican, Breton and the regional languages of Alsace.

513. The partnership agreement on the teaching of Creole, signed on 22 February 2011, formally recognizes the teaching of Creole language and culture and sets out the conditions in which Creole is to be taught at all levels of education.

514. In the 2009/10 school year, 219,763 pupils in public and subsidized private schools received instruction in regional languages, including, in metropolitan France, 176,918 public school pupils and 25,748 private school pupils.

515. Within this total number, bilingual instruction on a parity basis, offered at the three levels of education, was chosen by 51,765 pupils, including 42,919 at primary level (35,880 in public schools and 7,039 private schools), 8,281 in middle school and 565 in upper secondary education. In bilingual classes, instruction often begins in kindergarten. It is based on the principle of equal time in French and the regional language, with the timetable for French being fully maintained at primary level. Regional languages are taught in 13 school districts in metropolitan France.

516. The outcome of studies conducted in 2011, a master plan for the development of native language teaching in the overseas regions and territories sets out formal guidelines for more effective French-language instruction at primary level on the basis of local linguistic realities. It is stipulated therein that "it is desirable to make use of all the language resources of pupils and their environment in support of their language development" and that "over and above the strictly linguistic dimension of the undertaking, the promotion of a mother tongue at school is likely to attract the active involvement of pupils and families".

1. The teaching of regional languages and native languages at primary level in the overseas regions and territories

517. At primary school, regional language teaching (116,236 pupils) is provided in one of the following four ways, except as otherwise decided (case of Corsica and French Polynesia):

- Regional language teaching for one and a half hours a week: in 2009, 47,543 pupils concerned;
- Reinforced regional language teaching: 21,601 pupils;
- Bilingual instruction on a parity basis: 42,919 pupils;
- Regional language teaching by total immersion: 4,173 pupils.

518. In New Caledonia, 13 Kanak languages are taught at primary level, four of which can be taken up to baccalaureate level.

519. In French Guiana, five Amerindian languages are taught at primary school with the support of bilingual helpers.

2. The teaching of regional languages and native languages at secondary level in the overseas regions and territories

520. In the 2009/10 school year, 103,527 pupils in public secondary schools and private secondary schools under contract with the education authorities concerned studied a regional language.

521. In lower secondary education, regional language instruction is optional and usually entails an hour-long class (two or three hours for Corsican and Tahitian). A regional language can also be studied as a compulsory second modern language option for two or three hours a week. Lastly, the possibility exists of bilingual education on a parity basis in "regional sections" or bilingual education by immersion.

522. In upper secondary education, there is a possibility of optional instruction in a regional language as a third modern language or bilingual education in a "regional languages" section organized along the lines of the European sections.

Table 7
Number of pupils having received instruction in regional languages

Languages	*Lower secondary*	*Upper secondary*
Occitan-langue d'oc	19 758 pupils	3 722 pupils
Regional languages of Alsace	DN	2 708 pupils
Corsican	7 874 pupils	2 415 pupils
Breton	4 325 pupils	824 pupils
Basque	2 633 pupils	534 pupils
Catalan	2 268 pupils	663 pupils
Tahitian	9 108 pupils	1 445 pupils
Melanesian languages	2 080 pupils	757 pupils
Creole	2 615 pupils	DN
Total	**50 661**	**13 068**

DN: Data not available.

3. Teacher supply and training[39]

523. In primary schools, regional languages are taught by primary school teachers holding a certificate issued by the school district inspector or who have passed a special primary school teacher recruitment examination.

524. It is true, however, that these examinations do not appear to attract any particular interest. The fact is that the teaching of regional languages at primary level often requires a personal commitment on the part of teachers and only in the cases of Creole in Martinique and Reunion and Corsican are there significantly more than two candidates per post.

525. Thus, since 2002, 1,339 dual-language primary school teacher posts have been advertised, of which 133 in 2010. Since 2002, qualified regional language primary school teachers may be recruited through a special competitive examination in the school districts concerned. They may also take an optional regional language test during the recruitment examination.

526. At secondary level, regional languages are taught by a body of teachers holding the secondary school teacher's diploma (CAPES), regional languages section (Basque, Breton, Catalan, Creole, Occitan, Corsican, Tahitian), who, with the exception of teachers of Corsican, who hold the Corsican language CAPES, are all dual-language teachers. In 2009/10, 570 qualified regional language teachers were reported.

527. In subsidized private education using the immersion method, 560 teachers offer instruction in Alsatian, Basque, Breton, Catalan or Occitan.

528. In continuing education, wider recognition has been given to regional language instruction through the creation of a regional language proficiency diploma (see order of 13 December 2010 published in the Official Gazette of 29 December 2010).

II. Promotion of arts education and cultural education

A. Governmental plan for the development of arts education and cultural education (2008)

529. Set out in interministerial circular No. 2008-059 of 29 April 2008, measures to give effect to the governmental plan for the development of arts education and cultural education are directed towards the following main goals:

- Promoting cultural democratization and equality of opportunity;
- Promoting teamwork and group practices as factors of social integration;
- Developing spirit of initiative and creativity;
- Highlighting the cultural dimension of all education, particularly through the introduction of a new history-of-the-arts course for all pupils at all levels of education;
- Stimulating in pupils the desire to practise artistic and cultural activities and facilitating learning;
- Bringing pupils into direct contact with works of art and allowing them to meet artists and cultural workers;

[39] All the statistical data are taken from Report No. 657 submitted by Ms. Mélot on behalf of the Senate Culture, Education and Communication Commission on the regional languages and cultures development bill, registered on 22 June 2011 (http://www.senat.fr/rap/l10-657/l10-657.html).

- Opening up schools to their cultural environment;
- Offering broad access to digital resources in the field of art and culture;
- Improving continuing training.

530. The arts education provided for pupils in schools is based on hands-on experience and individual encounters with works of art and is combined with the learning of technical skills. Since 2008, it has been supplemented and enhanced by the introduction of a continuing history-of-the-arts course, extending through all stages of education and allowing pupils to learn about our common culture and the various ways in which it has developed by bringing them into contact with works produced in different artistic fields, periods and civilizations.

B. Measures to raise cultural awareness

531. The common core of knowledge and skills includes the teaching of art and music. Moreover, in upper secondary general and technological education, exploratory courses are offered on "Artistic creation and activity" as well as optional, specialized arts courses, while vocational education includes courses on applied arts and artistic cultures.

532. Terms of reference set out a national framework for the renewal of partnership agreements between regional education authorities, regional directorates of cultural affairs (DRACs) and other decentralized government offices concerned (regional directorates of food, agriculture and forestry in the case of agriculture schools and university teacher training institutes), as well as the territorial authorities. In 2010–2011, five education authorities signed an agreement with the regional authorities and five other education authorities partnered both with a DRAC and with a regional authority. In addition, 42 agreements were concluded with the departmental authorities *(conseils généraux)* and 106 agreements with municipalities.

533. Since 2007, arts education and cultural education are expected to be included in the mandatory content of the school or educational institution project (delivery rate: 56.3 per cent for the 2008/09 school year, 60.6 per cent for the 2010/11 school year). This document defines how such education is to be organized, implemented and evaluated, with particular attention to coherent pupil progression at each stage of education and throughout each pupil's school career.

534. Curricula allow teachers a free choice of methods and procedures for ensuring the progress of pupils. The cultural responsibility of teachers is recognized by their being issued a "Teacher's pass", which gives them free access to the permanent collections of museums and national monuments.

535. In 2013, arts education and cultural education, regarded as springboards for emancipation and social integration, should undergo new developments through the establishment for all pupils of a continuing course from the beginning to the end of their education.

536. Furthermore, the educational and artistic dimension of artists' residences has been developed under the impetus of an interministerial circular issued in 2010 (Official Gazette No. 10 of 11 March 2010).

537. Lastly, on 1 January 2010, *Universcience*, an industrial and commercial public institution merging together the *Palais de la découverte* and the *Cité des sciences et de l'industrie*, was established. Placed under the responsibility of the Ministers of Culture and Research, it is designed to offer everyone access to scientific and technological culture. It counts as the national model in this respect.

Annexes

I. Index of responses to the recommendations of the Committee on Economic, Social and Cultural Rights

Recommendation in para. 32	Official development assistance	para. 74 *et seq.*
Recommendation in para. 33	Measures to combat discrimination against women belonging to racial, ethnic and national minorities who live in ZUS areas	para. 109 *et seq.*
Recommendation in para. 34	Promotion of equality between men and women	para. 83 *et seq.*
Recommendation in para. 34	Respect for the principle of "equal pay for equal work"	para. 245 *et seq.*
Recommendation in para. 35	Employment of young persons	para. 120 *et seq.*
Recommendation in para. 36	Application of the principle of equal access to employment	para. 191 *et seq.*
Recommendation in para. 37:	Prevention of structural unemployment	para. 237 *et seq.*
Recommendation in para. 38:	Persons with disabilities in the world of work	para. 191 *et seq.*
Recommendation in para. 39	Efforts to combat domestic violence	para. 365 *et seq.*
Recommendation in para. 40	Efforts to combat poverty	para. 381 *et seq.*
Recommendation in para. 41	Measures to combat the phenomenon of residential segregation based on racial, ethnic and national origin	para. 411 *et seq.*
Recommendation in para. 42	Implementation of the Framework Act for Town Planning and Urban Renewal of August 2003	para. 388 *et seq.*
Recommendation in para. 43	Efforts to combat the phenomenon of sub-standard housing characterized by unsafe or unhealthy conditions	para. 388 *et seq.*
Recommendation in para. 44	Measures to ensure access to adequate housing for low-income households	para. 404 *et seq.*
Recommendation in para. 46	Measures to improve reception facilities and social reintegration policies and programmes for homeless persons	para. 416 *et seq.*
Recommendation in para. 47	Access to health care for disadvantaged and marginalized persons	para. 433 *et seq.*
Recommendation in para. 48	Prevention of suicide	para. 456 *et seq.*
Recommendation in para. 49	Education of pupils belonging to racial, ethnic or national minorities	para. 492 *et seq.*
Recommendation in para. 50	Protection of minorities	para. 64 *et seq.*
Recommendation in para. 51	Regional languages and cultural heritage	para. 502 *et seq.*
Recommendation in para. 53	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	para. 329 *et seq.*
Recommendation in para. 54	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	para. 78 *et seq.*

II. Supplementary statistical data

1. Life expectancy and the state of health of the population

Table 8
Life expectancy at 0 and 60 years

	Life expectancy of men (in years)		*Life expectancy of women (in years)*	
Year	*at 0 years*	*at 60 years*	*at 0 years*	*at 60 years*
1994	73.6	19.7	81.8	25.0
1995	73.8	19.7	81.9	24.9
1996	74.1	19.7	82.0	25.0
1997	74.5	19.9	82.3	25.2
1998	74.7	20.0	82.4	25.3
1999	74.9	20.2	82.5	25.3
2000	75.2	20.4	82.8	25.6
2001	75.4	20.6	82.9	25.7
2002	75.7	20.8	83.0	25.8
2003	75.8	20.8	82.9	25.6
2004	76.7	21.5	83.8	26.5
2005	76.7	21.4	83.8	26.4
2006	77.1	21.8	84.2	26.7
2007	77.4	21.9	84.4	26.9
2008	77.6	22.0	84.3	26.8
2009	77.7	22.2	84.4	27.0
2010 (p)	78.0	22.4	84.6	27.1
2011 (p)	78.4	22.7	85.0	27.4
2012 (p)	78.4	22.6	84.8	27.2

Source: INSEE.
(p): Provisional results at the end of 2012.
Field: France except Mayotte.

In 2012, 822,000 births were registered, a birth rate of 12.6 per thousand. The mortality rate fell to 28.7 per thousand in 2012. The natural variation rate is consequently 3.9 per thousand. The total fertility rate currently exceeds 2 children per woman (1.7 children in 1994). The proportion of children born out of wedlock has increased significantly: in 2012, 56.6 per cent of children were born out of wedlock, as against 37.2 per cent in 1994; the symbolic threshold of 50 per cent was exceeded in 2006.

The decline in the mortality rate, as a result of modern-day medical developments, structurally increases the life expectancy of the French. A man born in 2012 has a life expectancy of 78.4 years, which is five years more than in 1994. Similarly, a woman born in 2012 can expect to live for 84.8 years, or three years more than in 1994.

In 2009, the main causes of death were a tumour (30 per cent), a disease of the circulatory system (27 per cent), a disease of the respiratory system (6 per cent), a disease of the digestive system (4 per cent), mental disorder (3 per cent), an infectious or parasitical

disease (2 per cent), suicide (2 per cent), traffic accident (1 per cent) and other causes up to 20 per cent.

Statistics from national health accounts (2011) and the annual report on the state of health of the population in France (2011)[1]

The national health accounts, a satellite account of the national accounts, evaluates current health expenditure (DCS) every year, in other words, all spending in the health sector, with detailed coverage of its major component, the consumption of medical care and medical goods (CSBM).

In 2011, the consumption of medical care and medical goods represented €180 billion, or €2,762 per capita. CSBN thus accounted for 9 per cent of gross domestic product (GDP) in 2011, as against 9.1 per cent in 2009 and 2010. In 2009, its share of GDP increased substantially owing to the decline in GDP.

Current health expenditure was €240.3 billion in 2011, or 4 per cent of GDP, as against 12.1 per cent in 2009 and 2010.

The slower pace of CSBM progression observed in 2008 was confirmed in 2011: +2.7 per cent in value after +2.5 per cent in 2010 and +3.3 per cent in 2009; the trend is thus far below that seen in the early 2000s. DCS has increased by 2.6 per cent over 2010. This is strongly linked to the evolution of medical care and medical goods consumption, which represents three quarters of current health expenditure. Following the outbreak of swine flu in 2009 and the added expenditure occasioned thereby, which magnified DCS growth, DCS settled back into a rate of growth close to that of CSBM.

In 60 years, the share of CSBM in GDP has increased from 2.6 per cent in 1950 to 9 per cent in 2011. Levelling out at 8 per cent between 1995 and 2000, it rose sharply between 2000 and 2005, up from 8 per cent to 8.6 per cent of GDP under the effect of the marked increase in the various items of expenditure but also of lower GDP progression. Since 2005, the CSBM growth rate has remained under 4 per cent a year and has even been close to 3 per cent since 2008, but its share of GDP has varied in pace with GDP progression. Thus, the significant increase in the share of CSBM in 2009 was due solely to the decline in GDP: -2.5 per cent in value. Over the past two years, CSBM has increased at a slightly slower pace than GDP, for the first time since 2006–2007.

Current health expenditure amounted to €240 billion in 2011, or 12 per cent of gross domestic product. The consumption of medical care and medical goods, accounting for three quarters of such expenditure, represented €180 billion. In value, it rose more swiftly than the previous year (+2.7 per cent in 2011, after +2.5 per cent in 2010), but at a less sustained pace than in 2009 (+3.3 per cent). Its share of GDP was 9 per cent, after 9.1 per cent in 2010.

In volume, CSBM increased by 2.8 per cent in 2011, as in 2010. The average price of CSBM fell slightly for the second consecutive year: -0.1 per cent in 2011 after -0.3 per cent in 2010. The drop in the price of hospital care and drugs offset the rise in the price of private care.

In 2011, the share of CSBM financed by social security was 75.5 per cent and that covered by supplementary insurance schemes was 13.7 per cent. The remaining portion payable by households has been 9.6 per cent since 2009.

[1] http://www.drees.sante.gouv.fr/IMG/pdf/comptes_sante_2011.pdf.
http://www.drees.sante.gouv.fr/IMG/pdf/etat_sante_2011.pdf.

(1) Consumption of medical care and medical goods (CSBM): this includes hospital care, private care (doctors, dentists, paramedics, medical laboratories, thermal treatment), the transport of patients, drugs and other medical goods (optical equipment, prostheses, minor supplies and bandages). It does not include the consumption of medical care and medical goods not forming part of the treatment of a temporary health impairment, such as expenditure on long-term care for older persons and persons with disabilities.

(2) Current health expenditure (DCS): this concerns all current expenditure (excluding capital expenditure) covered by the health-care system's funding sources: social security, State, local government, supplementary insurance schemes (mutual insurance funds, insurance companies, provident societies) and households. It covers a wider field than CSBM since it also takes into account: institutional care of older persons and persons with disabilities, home care services, daily subsistence allowances, subsidies received by the health-care system, expenditure on (individual or collective) medical prevention, research and training, and the costs of health-care management.

Overall, the state of health of the French is good, but the incidence of premature mortality in France, i.e. deaths before the age of 65, is among the highest in the European Union. In addition, significant disparities remain, not only between men and women, but also between areas or between social categories and in certain population groups. Thus, in the male population, the life expectancy of managerial personnel at the age of 35 years is 6.3 years higher than that of workers. The differential is three years among women but the life expectancy of women workers remains higher than the life expectancy of male "managers". These differences reflect the combined effects of health-related behaviour (whether in terms of individual behaviour or mode of access to the health-care system), level of exposure to environmental hazards and differences in working conditions between social groups.

In comparison with countries with the same standard of living, the state of health of people in France is generally good. There are marked differences between men and women, depending paradoxically on whether one is talking about mortality or declared state of health. Higher than in other comparable countries, particularly for women, life expectancy at birth (84.8 years for women and 78.1 years for men in 2010) continues to rise. In 10 years, life expectancy has increased by 2.9 years for men and 2 years for women. The gap between men and women is thus growing smaller, down from 7.6 years in 2000 to 6.7 years in 2010.

Life expectancy at 65 is the highest in Europe, both for women (22.8 years in 2010, 1.6 years more than in 2000) and for men (18.6 years in 2010, 1.9 years more than in 2000). However, while women have a higher life expectancy than men, they also live longer with disabilities. For men, the gap between the very favourable life expectancy after the age of 65 and lower life expectancy at birth is due in part to the incidence of premature death.

Paradoxically, measurements of perceived health and use of care show that men, at the same age, feel themselves to be in better health than women, declare fewer illnesses and fewer functional limitations and have less recourse to care. However, while the majority of hospital patients are women (268 hospitalizations per 1,000 women, as against 240 hospitalizations per 1,000 men in 2008), when the age structure is factored into the female population and hospitalization for normal childbirth is excluded, the standardized hospitalization rates, across all age groups, are equivalent for men and women (235 and 234 respectively) and, over the age of 64, hospitalization rates for women are approximately a quarter lower than for men.

The number and the seriousness of health issues regularly increase as people grow older and begin to age. The various diseases affect people unequally according to age: infectious and allergic diseases predominate in childhood, while osteo-articular diseases and mental disorders have a greater impact in midlife and cardiovascular diseases are more frequent among older persons. It may also be noted that, after the first year of life, the rate of use of care is low among the young and peaks at life's end.

The life expectancy of French women (84.4 years in 2009) is distinctly higher than that of European women (82.6 years). Only Spanish women have the same life expectancy. The life expectancy of French men (77.7 years in 2009) is also higher than the European average (76.7 years in 2009) but slightly lower than the average in the 15-member European Union.

Good results in children's health

Many of the goals of the 2004 Public Health Act concern children's health.

The child mortality rate (3.7 deaths of children under the age of one per 1,000 live births in 2010) has considerably declined in the past 50 years and is lower than the European Union rate. The countries of the North show the lowest rates. France matches the average of the 15-country European Union but, whereas the child mortality rate is steadily decreasing in a large number of European countries, it has remained generally stable for the past five years in France. Legislative changes in 2001 and then in 2008 concerning the definition of stillbirths might have differential effects on the registration of stillbirths and live births of children who die in their first year, and hence on the levels of the indicators measured.

More than half the deaths of children under the age of one occur in the first week of life and two thirds of them during the first month. Child mortality is positively affected by the provision of care to persons in vulnerable situations, but also, conversely, by the growing percentage of underweight child births resulting from advances in obstetrical and neonatal care.

Mortality rate: four deaths per 1,000 inhabitants in 2010.

In 2010, 545,000 persons died in metropolitan France or its overseas departments (DOMs). The number of deaths was slightly lower than in 2009 (540,541).

Premature mortality: still more than twice as high among men than among women.

Premature mortality is taken by convention to denote all deaths before the age of 65. This age limit may appear arbitrary but it is also one that is often used, in particular at the European level. In 2008, there were 108,825 premature deaths, or 20 per cent of total deaths.

A third of those deaths could have been avoided by a reduction in risky behaviour (tobacco and alcohol consumption, dangerous driving, etc.). "Avoidable" premature mortality decreased between 1990 and 2008, but the pre-65 mortality rate remains very high in France, particularly among men.

The premature death rate is distinctly higher among men (264.4 per hundred thousand, as against 121.6 for women), a rate 2.2 times higher than for women. Mortality increases significantly with age.

2. School enrolments and levels of education

Table 9
Highest qualification by age and sex in 2011
(As a percentage)

	25–34 years		*35–44 years*		*45–54 years*		*55–64 years*	
	Women	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*
No diploma or primary school certificate (CEP)	9.9	12.0	14.7	16.9	23.6	22.8	36.5	30.9
Only lower secondary certificate (BEPC)	5.4	6.1	6.2	5.6	10.5	7.7	9.9	7.3
Certificate of professional competence (CAP), Certificate of vocational education (BEP) or equivalent	13.6	20.6	20.4	27.4	26.2	35.6	22.0	31.4
Baccalaureate or vocational certificate	23.8	22.7	20.4	17.2	16.5	12.4	13.5	11.4
Baccalaureate +2 years	19.1	14.7	17.0	14.2	12.3	9.1	9.3	6.4
Higher qualification	28.1	24.0	21.2	18.7	10.9	12.5	8.8	12.7
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Proportion of holders of the baccalaureate or higher	71.0	61.3	58.6	50.1	39.8	34.0	31.6	30.4

Source: INSEE, Employment surveys.
Note: Results as an annual average.

In France, in 2011, 99.5 per cent of 3-to-12-year-olds were enrolled in schools. In the 13–17 age group the rate was around 19 per cent. The proportion of young people following a course of study continues to decline up to the age of 25, when it accounts for only 10 per cent of the age group. In 2010, UNESCO estimated that 13,000 girls were not attending primary school and that the number of boys not enrolled was 17,500.

In the 2011/12 school year, the average number of pupils per kindergarten class was 25.8 in public schools and 27.2 in private schools. At primary level, there were 22.7 pupils per class in public schools, as against 23.3 in private schools. The trend seems to be reversed at secondary level, where the number of pupils per class in general and technological upper secondary education was 29.1 pupils in public schools, as against 25.6 in private schools. The overall literacy rate in France is 99 per cent.

Educational levels in France reflect a number of general trends. More and more young people go on to higher education and whereas, in the past, women were excluded, more women than men now have access to it. In 2011, 71 per cent of women between the ages of 25 and 34 had at least the baccalaureate, as against 61.3 per cent of men in the same age group.

3. Unemployment in France

Table 10
Unemployment rate in metropolitan France

	Number of unemployed fourth quarter 2012 (in thousands)	*Unemployment rate as defined by ILO fourth quarter 2012 (%)*	*Variation in points*	
			One quarter	*One year*
Total	**2 944**	**10.2**	**0.3**	**0.8**
15–24	730	25.7	1.6	3.4
25–49	1 653	9.1	0.1	0.5
50 and over	560	7.2	0.4	0.8
Men	1 532	10.2	0.5	1
15–24	398	25.6	1.6	3.6
25–49	834	8.8	0.2	0.5
50 and over	300	7.4	0.6	1.1
Women	1 412	10.3	0.3	0.7
15–24	332	25.8	1.6	3.2
25–49	819	9.4	0.1	0.4
50 and over	260	6.9	0	0.3

Source: INSEE.

Field: Metropolitan France, persons aged 15 and over. Unemployment rate as defined by the International Labour Office.

Following the severe deterioration in the economic situation, the number of unemployed persons began going up again as from 2008 and exceeded the symbolic 10 per cent mark in 2012 (10.6 per cent, or 2.9 million unemployed persons as defined by the International Labour Office). The average unemployment rate over the year (ratio of number of employed persons to the economically active population) increased by 0.6 points from 2011 to 2012 and by 2.5 points from 2008 to 2012. In the 20–64 age group, 69.3 per cent of persons on average were employed throughout 2012, 1.1 points less than in 2008. Owing to the continuing trend of higher numbers of women in employment and the fact that men's jobs are more strongly affected by the economic situation, the employment rate of men (73.8 per cent in 2012, or 1.7 points less than in 2008) declined more than that of women (65.0 per cent in 2012, or 0.5 points less than in 2008). While there is a trend towards a gender balance in respect of unemployment, the same is not true of the age variant: young people in the 15–24 age group are the most affected, with 25.7 per cent unemployed in the last quarter of 2012. This trend has also become more pronounced since 2011 (the highest increase in unemployment in 2012 was in the 15–24 age group).

Between 2008 and 2012, the rise in unemployment affected all age groups. The unemployment rate of young people is far higher than that of other age groups: 23.9 per cent of economically active persons aged between 18 and 24 were unemployed in 2012. The unemployment rate of young people is also more affected by the economic situation: thus, from 2006 to 2007, it fell by 2.6 points in the 18–24 age group, as against only 0.7 points in the 25–54 age group, while from 2008 to 2009 (respectively from 2011 to 2012), it increased by 4.7 points (respectively by 1.8 points), as against 1.4 points (respectively 0.6 points) in the 25–54 age group. The unemployment rate in the 55–64 age group (7.1 per cent in 2012) is lower than that of younger economically active persons, but

increased more swiftly than in the 25–54 age group from 2008 to 2012 (3.5 points as against 2.3 points).

Table 11
Proportion of youth unemployment
(As a percentage of the total 18–24 age group)

Year	***Total***	*Men*	*Women*
2003	**9.7**	10.3	9.1
2007	**9.8**	10.4	9.3
2008	**9.6**	10.6	8.7
2009	**12.3**	13.8	10.9
2010	**11.9**	12.7	11.2
2011	**11.4**	11.9	10.9
2012	**12.1**	13.4	10.9

Source: Employment surveys, INSEE, analysis DARES; provisional 2012 data.
Field: Household population in metropolitan France.
Concept: Unemployment as defined by ILO, exact age at time of survey, annual average.

While the unemployment rate in the 18–24 age group was 23.9 per cent in 2012, the proportion of unemployment in the 18–24 age group (ratio of the number of unemployed persons to the total population in the age group considered) was only 12.1 per cent in the same year, as half the young people in that age group were continuing their education without working. The proportion of unemployed young people is far lower for women than for men (2.5 points gap in 2012).

Table 12
Rate of long-term unemployment
(As a percentage of the economically active population)

Year	***Total***	*Men*	*Women*
2003	**3.5**	3.1	3.9
2007	**3.2**	3.0	3.4
2008	**2.8**	2.7	2.9
2009	**3.2**	3.2	3.3
2010	**3.8**	3.8	3.8
2011	**3.8**	3.7	3.9
2012	**4.0**	4.0	4.0

Source: Employment surveys, INSEE, analysis DARES; provisional 2012 data.
Field: Household population in metropolitan France.
Concept: Economic activity as defined by ILO.
Note: Unemployed persons for whom information on duration of unemployment is not available are distributed proportionally between less than a year and more than a year.

In 2012, 4.0 per cent of the economically active population had been unemployed for at least one year. While the rate of long-term employment slightly increased between 2003 and 2000 (+0.2 points), it then fell again by about one point in two years. Between

2008 and 2012, the rate of long-term unemployment tended to rise, increasing by 1.2 points in four years.

After an upward movement between 2003 and 2006, mainly affecting men (+0.4 points, as against +0.1 points for women), the rate of long-term unemployment fell again from 2006 to 2008 for men (-0.8 points) and for women (-1.1 points). Between 2008 in 2012, the rate of long-term unemployment increased by 1.3 points for men and 1.0 points for women. In 2012, the rate of long-term unemployment of men and women was at the same level.

Table 13
Part-time work, particular forms of paid employment and proportion of unpaid employment
(As a percentage)

	Proportion of unpaid employment in total employment	*Proportion in paid employment*			
		Full-time stable employment	*Part-time stable employment*	*Particular forms of part-time employment*	*Particular forms of part-time employment*
Total					
2003	**11.4**	**73.6**	**13.7**	**8.9**	**3.8**
2007	**11.0**	**72.3**	**14.0**	**9.6**	**4.1**
2008	**10.6**	**72.9**	**13.7**	**9.4**	**3.9**
2009	**11.0**	**72.8**	**14.4**	**9.0**	**3.8**
2010	**11.5**	**71.8**	**14.6**	**9.5**	**4.1**
2011	**11.6**	**71.6**	**14.6**	**9.8**	**4.0**
2012	**11.5**	**71.7**	**14.5**	**9.8**	**4.1**
Men					
2003	14.3	85.0	3.6	9.4	2.0
2007	14.2	83.6	3.5	10.6	2.3
2008	13.5	84.0	3.5	10.2	2.2
2009	14.3	84.5	3.9	9.5	2.2
2010	15.0	83.0	4.2	10.4	2.5
2011	15.1	82.4	4.2	11.0	2.5
2012	14.9	82.7	4.1	10.8	2.4
Women					
2003	8.1	61.1	24.8	8.4	5.7
2007	7.4	60.4	25.0	8.5	6.1
2008	7.4	61.3	24.4	8.6	5.7
2009	7.3	60.9	25.1	8.6	5.5
2010	7.6	60.5	25.1	8.6	5.7
2011	7.8	60.6	25.1	8.7	5.6
2012	7.7	60.5	25.0	8.8	5.8

Source: Employment surveys, INSEE, analysis DARES; provisional 2012 data.

Field: Household population in metropolitan France.

Concept: Employed economically active persons as defined by ILO; particular forms of employment include temporary work, CDD (persons working under a fixed-term contract, auxiliary staff, individual public sector contractors) and subsidized employment identified in the employment survey (mainly non-market and work-study schemes)

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Since 2003, 11 to 12 per cent of employed persons are self-employed; approximately twice as many men (14.9 per cent in 2012) as women (7.7 per cent in 2012) have self-employed status. Particular forms of employment (temporary employment, subsidized employment, fixed-term contracts) concerned 13.9 per cent of paid employment in 2012, a proportion slightly higher than in 2003 (12.7 per cent). Women wage-earners hold such particular forms of employment slightly more often than men (14.6 per cent as against 13.2 per cent).

In 2012, 18.6 per cent of wage-earners were working part-time. The great majority of these part-time workers were women. More than three women in 10 work part-time. The proportion of part-time paid employment increased by 0.8 points for men and 0.7 points for women between 2008 and 2012.

Full-time jobs under open-ended contracts account for a very large majority of paid employment: they represented 71.7 per cent of all paid employment in 2012 (-1.2 points in relation to 2008 and -2.1 points in relation to 2003). This is especially true in the case of men, with more than eight out of ten salaried jobs, as against six out of ten for women.